

EXHIBIT AE

**(Ex. 21 to the Natbony Declaration,
originally filed as ECF 13039-33, and
ECF 789-33 in Case No. 17-BK-3567)
- Part 1**

NATBONY REPLY DECLARATION
EXHIBIT 21

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Ahlberg, Timothy H. - Vol. I

April 21, 2020

1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

----- X
In re: :
THE FINANCIAL OVERSIGHT : PROMESA
AND MANAGEMENT BOARD : TITLE III
FOR PUERTO RICO, :
as representative of : Case No.
THE COMMONWEALTH OF : 17 BK 3283-LTS
PUERTO RICO, :
Debtor. :
----- X
In re: :
THE FINANCIAL OVERSIGHT : PROMESA
AND MANAGEMENT BOARD : TITLE III
FOR PUERTO RICO, :
as representative of : Case No.
THE COMMONWEALTH OF : 17 BK 3567-LTS
PUERTO RICO, et al., :
Debtor. :
----- X VOL. I OF II

Videotaped deposition of TIMOTHY H. AHLBERG, conducted virtually, pursuant to the Federal Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, reported stenographically by Cynthia J. Conforti, CSR, RPR, CRR, commencing at the hour of 9:30 a.m. CST, on the 21st day of April, 2020.

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22 Alexander Whitelaw, Weil Gotshal & Manges LLP
23 Anthony Micheletto, Videographer
24
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INDEX			6	8
NUMBER	MONOLINE	INTRODUCED	1	THE REPORTER: There is an agreed
Exhibit 1	23		2	stipulation, so I am swearing the witness over
Exhibit 2	25		3	the video conference.
Exhibit 3	27		4	Can you raise your right hand,
Exhibit 4	44		5	please, sir?
Exhibit 5	47		6	MR. NATBONY: I think we've
Exhibit 6	76		7	reached standard stipulations that we've agreed
Exhibit 7	80		8	and that have been exchanged by the parties,
Exhibit 8	98		9	right?
Exhibit 9	108		10	THE REPORTER: Yes.
Exhibit 10	111		11	MS. McKEEN: That's correct.
Exhibit 11	115		12	THE REPORTER: Can everybody --
Exhibit 12	120		13	MR. NATBONY: Standard
Exhibit 13	122		14	stipulations apply, right?
Exhibit 14	140		15	MS. McKEEN: I'm unsure what
Exhibit 15	162		16	standing stipulations you may have.
Exhibit 16	173		17	(Simultaneous speaking.)
Exhibit 17	187		18	THE REPORTER: There was a
Exhibit 18	208		19	stipulation that I received yesterday from
** EXHIBITS RETAINED BY ATTORNEY NATBONY **			20	Henderson that I will be swearing the witness
			21	over the video conference.
			22	Can you raise your right hand,
			23	sir.
			24	(Witness sworn.)
			25	THE WITNESS: I do.
THE VIDEOGRAPHER: We are now on the record.			7	9
Welcome to the deposition of Timothy H. Ahlberg. My name is Anthony Micheletto. I'm the videographer and the conference call host for Henderson Legal Services. Today's date is April 21, 2020. The time is 9:42 a.m.			1	THE REPORTER: Thank you.
It's my understanding that there are approximately 44 attorneys attending telephonically. Please keep disruptions at a minimum. I will be muting all telephones except the witness, taking attorney and opposing counsel, who will dial *6 so they can be heard.			2	MR. NATBONY: Thank you. And,
In addition, if you are not speaking, please make sure you turn off your camera on the LiveLitigation. You should receive the video stream through your computer and audio through your phone. Periodically, during your break, I will communicate to everyone how long we have been on the record.			3	Ms. McKeen, I'm just confirming that we have
Our court reporter today is Cynthia Conforti. Please read the stipulations.			4	three stipulations that we've agreed to, one
			5	relating to authenticity of certain documents,
			6	the other relating to deposition logistics, and
			7	the other relating to cash restriction analysis
			8	issues, correct?
			9	MS. McKEEN: I believe we have
			10	agreed with you to the stipulation regarding
			11	the deposition logistics.
			12	I believe the parties are still in
			13	the process of commenting on the stipulation
			14	regarding the authenticity of documents and
			15	regarding the cash restriction analysis.
			16	I don't think those stipulations
			17	have been agreed upon yet. I believe the
			18	parties are in the process of reaching an
			19	agreement.
			20	MR. NATBONY: Okay. Is it fair to
			21	say that we don't anticipate any issues on
			22	those drafts with respect to general
			23	authenticity issues and the general assumptions
			24	on cash restriction?
			25	MS. McKEEN: So, with respect to

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1 the stipulation regarding the authenticity of 2 documents, my understanding is that the parties 3 appear to have reached sufficient agreement 4 regarding the core concepts embodied in that 5 stipulation, that we shouldn't have any issue 6 proceeding with the deposition, and that any 7 issues that remain outstanding can be resolved 8 after the deposition. 9 With respect to the cash 10 restriction stipulation, that's in Proskauer's 11 hands, so I would ask Mr. Mervis to unmute 12 himself and speak to that, please. 13 MR. MERVIS: Sure. So I think -- 14 can you hear me? 15 MS. McKEEN: Yes. 16 MR. MERVIS: Great. 17 So I think the answer, Bill, is 18 that we would agree with the stipulation that 19 we sent to you. We don't necessarily agree 20 with the markup, but I haven't had time to run 21 it up the flag pole internally. But I think -- 22 and maybe this will help. The -- the 23 assertions or the statements in that 24 stipulation about what the document says and 25 the assumptions that apply, those are -- those	1 asking some questions today on behalf of the 2 movants, the Monolines. 3 My questions will first be of a 4 general nature and then focus on HTA. Others 5 of my colleagues will be asking questions 6 relating to CCDA. 7 So, first, let me recognize on the 8 record that all appearing counsel and the 9 witness are at separate locations due to the 10 obvious difficult circumstances. The 11 deposition is being conducted remotely. I hope 12 we can all be cognizant of the entire technical 13 difficulties this brings. Let's all try not to 14 talk over each other, treat each other with 15 professional courtesy so we can all get through 16 this sufficiently and expeditiously as 17 reasonably as possible. 18 As to exhibits, when I refer to an 19 exhibit, my colleague Jaclyn Hall will be 20 marking it and immediately publishing it to all 21 participants, each of whom can access and 22 review the document independently by retrieving 23 the documents from the submitted documents 24 grouping on the system. 25 During any questioning concerning
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<p>1 Q. You understand that -- is there 2 anything that would prevent you from doing 3 that, for example, taking any medications of 4 any sort?</p> <p>5 A. No.</p> <p>6 Q. So let's start with a few 7 preliminary instructions. So today I'm going 8 to ask you some questions. If at any point you 9 don't understand a question, let me know, and I 10 will try and rephrase, okay?</p> <p>11 A. Okay.</p> <p>12 Q. And please try to answer all 13 questions verbally so your answers will be 14 picked up by the court reporter even though we 15 are on video. Please wait until I finish the 16 question, and I'll try, and wait for your 17 answer to be completed so that the court 18 reporter and videographer can take down a clean 19 record, okay?</p> <p>20 A. Okay.</p> <p>21 Q. Now, I understand today that you 22 are here representing several entities, so I am 23 going to assume that your answers are on behalf 24 of all of the entities unless you advise 25 differently, okay?</p>	<p>14</p> <p>1 in this deposition?</p> <p>2 A. Elizabeth McKeen.</p> <p>3 Q. Now, if you need a break, let me 4 know, and I will accommodate you as soon as 5 possible but not in the middle of a question 6 unless you need to confer with counsel 7 regarding a privilege issue. Is that 8 understood?</p> <p>9 A. Understood.</p> <p>10 Q. Do you speak Spanish?</p> <p>11 A. I do speak Spanish.</p> <p>12 Q. And do you read Spanish?</p> <p>13 A. I do read Spanish.</p> <p>14 Q. Do you consider yourself fluent in 15 Spanish and able to understand documents that 16 are written in Spanish?</p> <p>17 A. I consider myself to be 18 professionally proficient but by no means 19 consider myself bilingual.</p> <p>20 Q. Okay. Do you understand 21 accounting terms in Spanish?</p> <p>22 A. Generally, yes.</p> <p>23 Q. I'm going to go over some 24 definitions with you just to make sure that 25 we're on the same page.</p>
<p>1 A. Okay.</p> <p>2 Q. And you're here today testifying 3 on behalf of The Commonwealth of Puerto Rico, 4 correct?</p> <p>5 A. Correct.</p> <p>6 Q. And you're also here today 7 representing the Puerto Rico Highways and 8 Transportation Authority, otherwise known as 9 HTA?</p> <p>10 A. Correct.</p> <p>11 Q. And you're also here today 12 representing The Puerto Rico Tourism Company?</p> <p>13 A. Correct.</p> <p>14 Q. And you're also here today 15 representing the Puerto Rico Infrastructure 16 Financing Authority, otherwise known as PRIFA?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. You might hear some 19 objections made after questions that I ask. 20 You are required to answer the question, even 21 though objections are made, unless your 22 attorney directs you to not answer the 23 question. Do you understand that?</p> <p>24 A. Yes.</p> <p>25 Q. And who is representing you today</p>	<p>15</p> <p>1 When I refer to the Commonwealth, 2 I'll be referring to the Commonwealth of 3 Puerto Rico, okay?</p> <p>4 A. Okay.</p> <p>5 Q. And if I refer to AAFAF, 6 A-A-F-A-F, I'll be referring to the Puerto Rico 7 Fiscal Agency and Financial Advisory Authority, 8 okay?</p> <p>9 A. Okay.</p> <p>10 Q. And if I refer to the FOMB, 11 F-O-M-B, or the Oversight Board, I'll be 12 referring to the Financial Oversight and 13 Management Board for Puerto Rico, okay?</p> <p>14 A. Okay.</p> <p>15 Q. And if I refer to HTA, I'll be 16 referring to the Puerto Rico Highways and 17 Transportation Authority, okay?</p> <p>18 A. Okay.</p> <p>19 Q. If I use the term "pledged 20 revenues," for HTA, I will be using that word 21 to include toll revenues and excise taxes, 22 which would include taxes on gasoline, diesel, 23 crude oil, cigarettes and other special excise 24 taxes elected by the Commonwealth including 25 motor vehicle licenses. Do you understand how</p>

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<p>1 I use the term?</p> <p>2 A. I understand how you use the term.</p> <p>3 Q. And if I use the words "flow of</p> <p>4 funds," I'll be referring to the path,</p> <p>5 including deposits and transfers into and out</p> <p>6 of any account or Fund relating to their</p> <p>7 collection by the Commonwealth. Do you</p> <p>8 understand that?</p> <p>9 A. I understand that as your</p> <p>10 definition of flow of funds.</p> <p>11 Q. Thank you.</p> <p>12 What did you do generally to</p> <p>13 prepare for this deposition?</p> <p>14 A. Generally to prepare for this</p> <p>15 deposition --</p> <p>16 Q. Without revealing communications</p> <p>17 with your counsel.</p> <p>18 A. I'm sorry. Could you repeat that?</p> <p>19 Q. Without revealing any</p> <p>20 communications with your counsel.</p> <p>21 A. Okay. Excluding dealings with</p> <p>22 counsel, that was just confirming you -- the</p> <p>23 question again.</p> <p>24 Q. Let me rephrase.</p> <p>25 What did you do generally to</p>	<p>18</p> <p>1 as Hector Gomez, who works in the Treasury area</p> <p>2 at the direction of Jehra.</p> <p>3 Q. And who -- which employees of HTA</p> <p>4 did you meet with or have conversations with in</p> <p>5 preparation for the deposition?</p> <p>6 A. HTA, that would be Sergio, I think</p> <p>7 his last name is Gonzalez, as well as -- and</p> <p>8 he's in a managerial position at HTA as well as</p> <p>9 Angel Bulik, who works in the accounting</p> <p>10 department at HTA in addition to Rebecca.</p> <p>11 Those are the ones I can remember off the top</p> <p>12 of my head.</p> <p>13 Q. Thank you.</p> <p>14 And which employees did you have</p> <p>15 meetings or discussions with in preparation for</p> <p>16 this deposition from the Puerto Rico Tourism</p> <p>17 Company?</p> <p>18 A. The main point of contact for the</p> <p>19 Department of Tourism that I worked with was a</p> <p>20 man named Gustavo. His last name eludes me at</p> <p>21 the moment.</p> <p>22 Q. And how about with respect to</p> <p>23 PRIFA?</p> <p>24 A. The main contact there would have</p> <p>25 been a woman named Sylvia.</p>
<p>19</p> <p>1 prepare for this deposition, but I'm not asking</p> <p>2 you to reveal communications you had with your</p> <p>3 counsel.</p> <p>4 A. Okay. Thank you for clarifying.</p> <p>5 Q. Sure.</p> <p>6 A. Generally preparations included</p> <p>7 conversations with employees at the relevant</p> <p>8 entities and agencies, conversations as well as</p> <p>9 phone calls, in-person review of bank</p> <p>10 statements, transfer details, et cetera.</p> <p>11 Q. Did you have any conversations or</p> <p>12 meetings with employees of agencies without</p> <p>13 counsel present?</p> <p>14 A. Not in preparation for this</p> <p>15 deposition.</p> <p>16 Q. Okay. Who were the employees at</p> <p>17 the various agencies that you either met with</p> <p>18 or spoke with in preparation for deposition?</p> <p>19 A. There were various. Would you</p> <p>20 mind being specific to one entity?</p> <p>21 Q. Sure. For the Commonwealth.</p> <p>22 A. For the Commonwealth, the main</p> <p>23 points of contacts would have been Jehra Pelle</p> <p>24 (phonetic) the auxiliary subsecretary of the</p> <p>25 Department of Treasury of Puerto Rico, as well</p>	<p>21</p> <p>1 Q. Approximately how much time do you</p> <p>2 think you spent preparing for this deposition</p> <p>3 in these meetings and discussions in total?</p> <p>4 A. Without, you know, reviewing</p> <p>5 specific time entries and everything, I would</p> <p>6 estimate between, you know, 20, 20 to -- 20 to</p> <p>7 30 hours generally.</p> <p>8 Q. Aside from the meetings that you</p> <p>9 had with various representatives of the</p> <p>10 agencies and with counsel, did you do anything</p> <p>11 on your own to prepare for the deposition?</p> <p>12 A. Yes.</p> <p>13 Q. What did you do?</p> <p>14 A. I helped in a lot of the document</p> <p>15 production as well as putting together the Flow</p> <p>16 of funds documents that we -- that you should</p> <p>17 be familiar with, I believe. A lot of my time</p> <p>18 was spent in diligencing those presentations</p> <p>19 and making sure that we had the flow of funds</p> <p>20 accurately recorded.</p> <p>21 Q. And then when you say you helped</p> <p>22 with document production, what do you mean by</p> <p>23 that?</p> <p>24 A. Helping with document production</p> <p>25 became a lot of things. It could just mean</p>

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<p>22</p> <p>1 pointing someone in the direction of a right 2 context to ask for documents.</p> <p>3 Q. Were you involved in determining 4 what documents to look for in response to the 5 movant's document requests?</p> <p>6 A. I was not specifically tasked with 7 determining every piece of information or not 8 to produce.</p> <p>9 Q. Is it fair to say that you worked 10 with counsel in determining what documents 11 would be produced?</p> <p>12 A. Certainly I would have spoken with 13 counsel about documents that were being 14 produced.</p> <p>15 Q. That would be on behalf of each of 16 the entities that you're here today 17 representing?</p> <p>18 A. That's correct.</p> <p>19 Q. Do you have any documents with you 20 today that you intend to make reference to 21 during your testimony?</p> <p>22 A. No.</p> <p>23 Q. Do you have any notes in front of 24 you?</p> <p>25 A. No.</p>	<p>24</p> <p>1 language in the document (indiscernible). 2 BY MR. NATBONY: 3 Q. Do you see the sentence that 4 starts that "AAFAF has not located"?</p> <p>5 A. I do see that sentence.</p> <p>6 Q. Okay. What is your understanding 7 of that statement?</p> <p>8 MS. McKEEN: Objection. 9 THE WITNESS: I don't know. I'm 10 not an attorney. I did not draft this letter.</p> <p>11 BY MR. NATBONY: 12 Q. Well, do you know what documents 13 the -- AAFAF was looking for with respect to 14 this particular statement?</p> <p>15 A. The document says that it has not 16 located records that map to the account 17 designations found in the bond document.</p> <p>18 Q. And what were the entities 19 particularly looking for, what kinds of 20 documents?</p> <p>21 MS. McKEEN: Objection. 22 THE WITNESS: That's not clear to 23 me from this document.</p> <p>24 BY MR. NATBONY: 25 Q. Are you familiar with what efforts</p>
<p>23</p> <p>1 MR. NATBONY: If we could pull up 2 tab 39, let's mark that as Monoline Exhibit 1. 3 (Monoline Exhibit 1 is 4 introduced for the record.)</p> <p>5 MR. NATBONY: Can you pull that 6 up? I don't see anything on the screen. Thank 7 you.</p> <p>8 BY MR. NATBONY: 9 Q. Do you see something on your 10 screen, Mr. Ahlberg?</p> <p>11 A. Yes, I do see something.</p> <p>12 Q. Okay. So directing your attention 13 to the first page of that document, fourth line 14 from the bottom, the document says: 15 AAFAF has not located records that 16 met the account designations found in the bond 17 documents for HTA -- and I'll do a dot, dot, 18 dot -- to corresponding deposit account 19 numbers.</p> <p>20 Do you see that language?</p> <p>21 A. Oh, where are you reading from?</p> <p>22 Q. Fourth line from the bottom, 23 starts with the words "AAFAF has not located."</p> <p>24 MS. McKEEN: Object to the form of 25 the question to the extent it belies other</p>	<p>25</p> <p>1 were made to locate these kinds of documents? 2 MS. McKEEN: Same objection. 3 THE WITNESS: I'm generally 4 familiar with the process to try and obtain 5 documents for this deposition.</p> <p>6 BY MR. NATBONY: 7 Q. I understand, but my particular 8 question is are you aware of what efforts were 9 made to look for documents that map the account 10 designations found in the bond documents to 11 corresponding deposit account?</p> <p>12 MS. McKEEN: Object to the form. 13 THE WITNESS: I'm not aware of the 14 specific methodology used there.</p> <p>15 BY MR. NATBONY: 16 Q. Okay. Did you make any specific 17 inquiries with respect to these types of 18 documents with anyone at the agencies?</p> <p>19 A. I personally did not.</p> <p>20 MR. NATBONY: Okay. Let's pull up 21 tab 1 and mark that as Exhibit 2. 22 (Monoline Exhibit 2 is 23 introduced for the record.)</p> <p>24 BY MR. NATBONY: 25 Q. Showing you what's been marked as</p>

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1 Monoline Exhibit 2, can you identify that 2 document? 3 A. The text is actually too small for 4 me to read, but I do recognize this screen 5 shot. 6 Q. I believe that you can magnify it 7 by using the controls at the bottom. There 8 should be a magnifying glass that you can click 9 on. 10 A. Yes, that works. Thank you. 11 Q. Does that help? 12 A. Yes. 13 Q. Do you recognize this document? 14 I'm sorry. 15 A. Yes. 16 Q. Is this your bio at your current 17 place of employment, Conway MacKenzie? 18 A. Yes. 19 Q. Were you involved in drafting this 20 bio? 21 A. I was involved in drafting the 22 bio. 23 Q. To the best of your knowledge, 24 does it accurately reflect your professional 25 experience?	1 question is does it accurately reflect your 2 professional experience? 3 A. Yes. 4 Q. Okay. Now, Mr. Ahlberg, you 5 attended undergraduate college at North Park 6 University School of Business in non-profit 7 management; is that correct? 8 A. That's correct. 9 Q. You attained a bachelor of science 10 degree, correct? 11 A. Correct. 12 Q. You took three semesters of MBA 13 coursework, correct? 14 A. Correct. 15 Q. Where was that? 16 A. That was in Mexico, at the 17 Instituto Tecnológico y de Estudios Superiores 18 de Monterrey campus, Santa Fe. 19 Q. Was that in person or online? 20 A. In person in Mexico City. 21 Q. How many courses per semester did 22 you take there? 23 A. I can't recall specifically, but I 24 think two classes per semester. 25 Q. Did you take any government

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1 **A. Would you allow me a minute to**
2 **review the document?**
3 Q. Of course. You can also move to a
4 second page if there is one, though I believe
5 this is a one-page document.
6 **A. I finished reviewing.**
7 Q. And does this accurately reflect
8 your professional experience?
9 **A. It does, with the exception that I**
10 **no longer serve on the finance committee that**
11 **reports to the APPP Board of Trustees.**
12 Q. Thank you for that clarification.
13 Let's pull up tab 2 and mark that
14 as Monoline Exhibit 3.
15 (Monoline Exhibit 3 is
16 introduced for the record.)
17 BY MR. NATBONY:
18 Q. Do you recognize this document as
19 your LinkedIn profile?
20 **A. Yes.**
21 Q. And you were involved in drafting
22 this profile?
23 **A. Yes.**
24 Q. And certainly I'll give you an
25 opportunity to look through it, but the

1 accounting or government funding courses while
2 you were there?
3 **A. Not while I was in -- taking MBA**
4 **classes.**
5 Q. Did you ever obtain a graduate
6 student degree?
7 **A. No.**
8 Q. Do you have any professional
9 licenses?
10 **A. No.**
11 Q. Any professional certifications?
12 **A. No.**
13 Q. You're not an attorney, correct?
14 **A. Correct.**
15 Q. Fair to say you have no formal
16 legal training?
17 **A. Correct.**
18 Q. Now, you currently work at Conway
19 MacKenzie; is that correct?
20 **A. Correct.**
21 Q. And prior to Conway, you were an
22 experienced associate at PricewaterhouseCoopers
23 in the private company services assurance
24 practice; is that correct?
25 **A. That's correct.**

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9 (Pages 30 to 33)

<p>1 Q. And you performed financial 2 statement audits and other services for 3 nonpublic corporations in various industries; 4 is that correct? 5 A. That's correct. 6 Q. So at that time your focus was not 7 on governmental accounting or Governmental Fund 8 accounting, correct? 9 A. Correct. 10 Q. Have you ever been employed by any 11 Puerto Rico entities personally? 12 A. No. 13 Q. Other than your work for the State 14 Department, have you ever been employed by any 15 governmental entity? 16 A. I interned for a congressman in 17 Boston/DC. That's it. 18 Q. Now, you have worked for various 19 Puerto Rico entities through Conway MacKenzie, 20 correct? 21 A. Correct. 22 Q. Can you describe generally the 23 work that you've been doing for the 24 Commonwealth with Conway MacKenzie? 25 A. For -- generally at Conway</p>	<p>30</p> <p>1 THE WITNESS: Would you mind 2 rephrasing your question? 3 BY MR. NATBONY: 4 Q. Before you answer, the transcript 5 says debt reporting. My question was asset 6 reporting. 7 MS. McKEEN: The transcript -- but 8 when you say the transcript says debt 9 reporting, I believe the witness originally 10 testified that he was involved in cash 11 reporting. That was the nature of my objection 12 to the question. 13 BY MR. NATBONY: 14 Q. Okay. Well, did you say that you 15 were involved in cash reporting or asset 16 reporting? 17 MS. McKEEN: Objection. 18 THE WITNESS: I said cash 19 reporting. 20 BY MR. NATBONY: 21 Q. Okay. So maybe I misheard, I 22 apologize. 23 What did you mean by you were 24 involved in cash reporting activities? 25 A. For example, there is the TSA cash</p>
<p>1 MacKenzie, in my work in Puerto Rico on the -- 2 what I'll call the Puerto Rico engagement, my 3 main focus has been liquidity management and 4 cash reporting. 5 Q. What do you mean by "liquidity 6 management"?</p> <p>7 A. By liquidity management, more 8 specifically, I mean building cash flow models. 9 We looked at -- yes, look at what the data of 10 cash flow models might tell us. 11 Q. Okay. Now, in the various 12 productions that have been provided by the 13 Puerto Rico entities, we have seen various TSA 14 cash flow reports. Were you involved in 15 drafting those? 16 MS. McKEEN: Objection to the form 17 of the question. 18 THE WITNESS: I have been involved 19 at various times in drafting certain TSA cash 20 flow reports. 21 BY MR. NATBONY: 22 Q. Now, you also said you were 23 involved in debt reporting [sic]. What did you 24 mean by that? 25 MS. McKEEN: Objection.</p>	<p>31</p> <p>1 flow report that is published on the AAFAF 2 website every week, and I would be involved in 3 the analysis and production of that report. 4 Q. And how long have you been 5 involved in doing work for the weekly cash flow 6 reports? 7 A. In some capacity, for two years or 8 more. 9 Q. There were also monthly cash flow 10 reports; is that correct? 11 A. Correct. 12 Q. Now, were you involved in 13 providing information for those reports as 14 well? 15 A. Depending on the monthly report, I 16 may be involved in the report's production. 17 Q. Can you -- have you been doing any 18 specific work relating to HTA as part of the 19 engagement with Conway MacKenzie? 20 A. Yes. 21 Q. Can you tell me generally what 22 you've been doing with respect to HTA? 23 A. Just to clarify, are you referring 24 to Conway MacKenzie in general or me 25 specifically?</p>

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1 Q. Well, you specifically at Conway 2 MacKenzie. 3 A. Me specifically at Conway 4 MacKenzie? I have been involved in developing 5 the 30-year fiscal plan for HTA. 6 Q. What have you been doing with 7 respect to the 30-year fiscal plan for HTA? 8 A. Mainly, I am the chief financial 9 modeler in control of the master financial 10 model. 11 Q. Are you familiar with the term 12 "governmental accounting"? 13 A. I am familiar with the term. 14 Q. What do you understand it to mean? 15 A. Not being a CPA, I'm not sure 16 exactly, but I do generally understand that 17 government accounting can differ from other 18 kinds of accounting. 19 Q. Do you understand how it differs 20 from other types of accounting? 21 A. Not being a CPA, I do not know the 22 specifics of how they differ. 23 Q. Are you familiar with GASB, 24 G-A-S-B, standards and regulations? 25 A. I am generally familiar with	1 Proprietary Funds include Enterprise Funds? 2 A. I don't know, not being a CPA. 3 Q. Would you agree that Proprietary 4 Funds include Fiduciary Funds? 5 A. I don't know one way -- one way or 6 the other, not being a CPA. 7 Q. Do you have an understanding as to 8 what the term "Enterprise Fund" means? 9 A. I have a general understanding of 10 the term "Enterprise Funds." 11 Q. What's -- sorry, I did not mean to 12 interrupt you. What is your general 13 understanding of the term? 14 A. My understanding of the term is in 15 the context of cash flow reporting. 16 Q. Well, what is your understanding 17 of the term Enterprise Funds? 18 MS. McKEEN: Bill, just for the 19 record, can we pause quickly? The transcript 20 (indiscernible). 21 MR. NATBONY: I'm sorry, Liz. Did 22 you want to go off the record? 23 MS. McKEEN: No, I don't. Just 24 the witness's prior answer on the transcript, 25 "the actual reporting," when the witness

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1 **that -- with those entities that you listed to**
2 **have separate accounting regulations.**
3 Q. And as part of your work, do you
4 refer to GASB standards and regulations?
5 A. **No.**
6 Q. Are you familiar with the term
7 "Government Funds," with a capital F,
8 F-U-N-D-S?
9 A. **I'm generally familiar with the**
10 **term.**
11 Q. So are you familiar with what
12 types of Governmental Funds must be reported in
13 accordance with GASB?
14 A. **Not being a CPA, no, not**
15 **specifically.**
16 Q. Are you familiar with the term
17 "Proprietary Funds"?
18 A. **I'm generally familiar with the**
19 **term.**
20 Q. Would you agree that they include
21 Enterprise Funds, Fiduciary Funds?
22 MS. McKEEN: Objection to form,
23 compound.
24 BY MR. NATBONY:
25 Q. Okay. Would you agree that

1 testified "cash flow reporting," and I just
2 want to make sure that is clear on the
3 transcript.
4 MR. NATBONY: Okay. Thank you,
5 Liz.
6 MS. McKEEN: Thanks, Bill.
7 BY MR. NATBONY:
8 Q. Would you like me to repeat my
9 question, Mr. Ahlberg?
10 A. **Please.**
11 Q. What was your understanding of
12 "Enterprise Fund" in that context?
13 A. **In the context of my work in cash**
14 **flow reporting, typically that just means that**
15 **I wouldn't pay attention to Enterprise Funds.**
16 **That would be kind of outside my cash flow work**
17 **with Conway MacKenzie.**
18 Q. Do you know whether there is an
19 HTA Enterprise Fund at the present time?
20 A. **Could you repeat the question?**
21 Q. Do you know whether there is an
22 HTA Enterprise Fund at the Commonwealth?
23 THE REPORTER: I'm sorry, the end
24 of the question dropped off. This is the
reporter.

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<p style="text-align: center;">38</p> <p>1 THE WITNESS: Not being a CPA, I'm 2 not certain if there is a – I don't know if 3 that is an Enterprise Fund or not. 4 BY MR. NATBONY: 5 Q. For HTA? 6 A. For HTA. 7 Q. Are you familiar with GAAFR, 8 GAAFR, that's the Governmental Account Auditing 9 and Financial Reporting Standards? 10 A. I am aware of those standards. 11 Q. Do you work with those standards 12 as part of your work at Conway MacKenzie? 13 A. No. 14 Q. Do you consider GAAFR, G-A-A-F-R, 15 authoritative standards for government 16 accounting procedures? 17 MS. McKEEN: Object to form. 18 THE WITNESS: I don't know, not 19 being a CPA. 20 BY MR. NATBONY: 21 Q. Do you consider GAAP, G-A-A-P, 22 authoritative standards for government 23 (indiscernible) procedures? 24 THE REPORTER: I'm sorry. The 25 question was garbled, Counsel.</p>	<p style="text-align: center;">40</p> <p>1 Q. Then let me repeat it. 2 Do you consider GAAP, G-A-A-P, to 3 be authoritative accounting standards for 4 government accounting procedures? 5 MS. McKEEN: Objection. 6 THE WITNESS: I don't know, not 7 being a CPA. 8 BY MR. NATBONY: 9 Q. Okay. You are currently a 10 director at Conway; is that correct? 11 A. Yes. 12 Q. You just became a director in 13 January, correct? 14 A. Correct. 15 Q. Prior to that, you were a senior 16 associate? 17 A. Correct. 18 Q. And just so I understand the 19 structure at Conway, there are managing 20 directors above you, correct? 21 A. Correct. 22 Q. And there's senior managing 23 directors above you, correct? 24 A. Correct. 25 Q. What percentage of your work at</p>
<p style="text-align: center;">39</p> <p>1 MR. NATBONY: I'll repeat the 2 question. 3 BY MR. NATBONY: 4 Q. Do you consider GAAP, G-A-A-P, 5 authoritative accounting standards for 6 government accounting agencies? 7 MS. McKEEN: Same objection. 8 THE WITNESS: I don't know, not 9 being a CPA. 10 BY MR. NATBONY: 11 Q. Well, you understood my question 12 to refer to GAAP, G-A-A-P, correct? 13 A. I'm having trouble hearing you. 14 Q. Have you understood my question to 15 refer to GAAP, G-A-A-P, correct? 16 THE REPORTER: I'm sorry, Counsel, 17 Somebody needs to mute. 18 THE WITNESS: I'm really sorry. 19 MR. NATBONY: I'll repeat it 20 again. 21 BY MR. NATBONY: 22 Q. Have you understood my prior 23 question to refer to GAAP, G-A-A-P? 24 A. That is not what I heard when you 25 previously asked the question.</p>	<p style="text-align: center;">41</p> <p>1 Conway has involved governmental entities? 2 A. A rough estimation would be 3 greater than 90 percent. 4 Q. And what percentage of your work 5 at Conway has involved Puerto Rico and its 6 instrumentalities? 7 A. Same answer, greater than 8 90 percent. 9 Q. Now, Conway currently has an 10 agreement with a FAS for professional services, 11 correct? 12 A. Yes, that's correct. 13 Q. Under that, Conway has anticipated 14 being paid \$800,000 a month; is that correct? 15 A. I do not know the specifics of our 16 contract. 17 Q. Do you have any reason to dispute 18 that the fee is approximately \$800,000 a month? 19 MS. McKEEN: Objection, form. 20 THE WITNESS: I don't have enough 21 information to speculate one way or the other. 22 BY MR. NATBONY: 23 Q. Would you agree that AAFAF is a 24 significant client of Conway? 25 A. It depends. That would be</p>

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1 subjective. 2 Q. You don't have an opinion one way 3 or the other? 4 A. I don't have an opinion one way or 5 the other. 6 Q. Were you involved at all in 7 negotiating the fee arrangement between AAFAF 8 and Conway? 9 A. No. 10 Q. Have you ever seen the agreement 11 between AAFAF and Conway? 12 A. No. 13 Q. How many people sit above you on 14 the Puerto Rico AAFAF engagement on the team? 15 MS. McKEEN: Object to the form. 16 THE WITNESS: By that, do -- do 17 you mean how many people in positions that are 18 higher than director? 19 BY MR. NATBONY: 20 Q. Yes. 21 A. Between four and six. 22 Q. Okay. Are you personally being 23 paid for your appearance today? 24 A. No. 25 Q. Is your appearance today in the	1 MR. NATBONY: Okay. Let's pull up 2 tab 6, please. This will be Monoline 3 Exhibit 4. 4 (Monoline Exhibit 4 is 5 introduced for the record.) 6 BY MR. NATBONY: 7 Q. Okay. I'm going to represent that 8 that is a document that has been provided to 9 us, which is the agreement for professional 10 services between AAFAF and Conway MacKenzie. 11 I'm going to ask Jaclyn to move 12 this 38 page (indiscernible). There's a 13 listing there of links to (indiscernible). 14 A. I see the page. 15 Q. And do you see the rate which is 16 475 an hour? 17 A. I see that. 18 Q. Do you have any reason to dispute 19 that that was your rate as expressed in the 20 agreement between Conway and AAFAF? 21 MS. McKEEN: Objection, document 22 speaks for itself. 23 THE WITNESS: The document says 24 what it says. 25
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<p>46</p> <p>1 A. It sounds plural. Did you say 2 account with an "s"?</p> <p>3 Q. I did.</p> <p>4 A. Okay.</p> <p>5 Q. So you would agree that the TSA is 6 a series of main operational accounts for the 7 Commonwealth, correct?</p> <p>8 A. The TSA is a collection of 9 accounts.</p> <p>10 Q. And the TSA would include amounts 11 held in custody by the Secretary of Treasurers 12 to the benefit of the Commonwealth's Fiduciary 13 Funds, right?</p> <p>14 MS. McKEEN: I didn't get half 15 that question. Can you repeat it?</p> <p>16 THE WITNESS: Same here. There's 17 a lot of background. I don't know if that's on 18 you or somebody else.</p> <p>19 MR. NATBONY: Somebody needs to 20 mute.</p> <p>21 MS. McKEEN: Do we need to remute 22 everybody blind? I'm not -- there is a ton of 23 background noise.</p> <p>24 MR. NATBONY: Okay. Let's pull up 25 tab 13 and mark that Exhibit 5.</p>	<p>48</p> <p>1 Mr. Ahlberg, do you recognize this 2 form of document?</p> <p>3 A. Yes.</p> <p>4 Q. This is one of the Treasury Single 5 Account cash flow statements you were referring 6 to before, correct?</p> <p>7 A. One of the cash flow reports, yes.</p> <p>8 Q. And let's turn to page 3. There 9 are a series of definitions on that page.</p> <p>10 So in particular, I would like to 11 refer you to the -- a few of the definitions on 12 this page. First, there is a definition for 13 TSA at the bottom.</p> <p>14 Do you see that?</p> <p>15 A. Yes, I see it.</p> <p>16 Q. And reading that definition, would 17 you agree with the definition set forth 18 therein?</p> <p>19 A. I understand this definition.</p> <p>20 Q. And would you agree with the 21 definition?</p> <p>22 A. I would agree that the TSA is the 23 Treasury Single Account, the Commonwealth's 24 main operational bank account.</p> <p>25 Q. Do you have any reason to question</p>
<p>47</p> <p>1 (Monoline Exhibit 5 is 2 introduced for the record.)</p> <p>3 MS. HALL: Apologies, this is 4 Jaclyn. I'm not getting the exhibit option. 5 Is someone else showing an exhibit?</p> <p>6 MR. NATBONY: No. Were you able 7 to bring it up?</p> <p>8 MS. HALL: No, I'm not getting the 9 exhibit option. It's blocked out.</p> <p>10 MS. McKEEN: So do we need to take 11 a break so you guys can adjust the tech issue? 12 How would you like to proceed?</p> <p>13 MR. NATBONY: Well, I guess so. 14 Let's do that. Let's take 5 minutes. Let's go 15 off the record.</p> <p>16 THE VIDEOGRAPHER: We are off the 17 record at 10:37 a.m.</p> <p>18 (Recess taken.)</p> <p>19 THE VIDEOGRAPHER: We are back on 20 the record at 10:45 a.m.</p> <p>21 MR. NATBONY: Thank you.</p> <p>22 BY MR. NATBONY:</p> <p>23 Q. Looks like we were able to fix the 24 problem. So tab 13, which is now Monoline 25 Exhibit 5, is up on the screen.</p>	<p>49</p> <p>1 anything else in the definition?</p> <p>2 MS. McKEEN: Object to form.</p> <p>3 THE WITNESS: I don't know one way 4 or the other what was intended by the author. 5 BY MR. NATBONY:</p> <p>6 Q. There's another definition of 7 "Special Revenue Funds."</p> <p>8 Do you see that?</p> <p>9 A. I see the definition.</p> <p>10 Q. Would you agree with the 11 definition of "Special Revenue Funds" as used 12 by the Commonwealth?</p> <p>13 MR. MERVIS: Objection to the 14 form.</p> <p>15 THE REPORTER: I'm sorry. Who 16 objected?</p> <p>17 MR. MERVIS: Mervis, Michael 18 Mervis.</p> <p>19 THE WITNESS: In the context of 20 this report, I understand this definition. 21 BY MR. NATBONY:</p> <p>22 Q. Okay. My question was do you 23 understand this definition for Special Revenue 24 Funds to be a definition that the Commonwealth 25 uses?</p>

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<p>1 MS. McKEEN: Objection. 2 THE WITNESS: I don't know who 3 uses or doesn't use this particular definition 4 of "Special Revenue Fund." 5 BY MR. NATBONY: 6 Q. Well, the definition appears in a 7 type of report that you have been responsible 8 for preparing, right? 9 A. I may have not been involved in specifically preparing this exact report. 10 Q. Do you know one way or the other? 11 A. Do I know what one way or the other? 12 Q. Whether you were involved in 13 preparing this report. 14 A. I can't recall if I was specifically involved in creating this exact report. 15 Q. Do you agree with the definition 16 of "Special Revenue Fund" used on this page in 17 the report? 18 MS. McKEEN: Objection. 19 THE WITNESS: This definition is, 20 you know, being used in the context of this 21 report.</p>	<p>1 THE WITNESS: I think the 2 definition says what it says here. 3 BY MR. NATBONY: 4 Q. And are you disputing this 5 definition in any way? 6 UNIDENTIFIED SPEAKER: Objection 7 to the form. 8 THE WITNESS: I'm not disputing or 9 confirming this definition. 10 BY MR. NATBONY: 11 Q. So you don't know one way or the 12 other, do you? 13 A. I don't know what was intended by the author of this definition at this time. 14 Q. Okay. The definition of "Special 15 Revenue Funds" in this document also indicates 16 that it includes Funds that have, quote: 17 Specific uses established by their 18 respective enabling legislation. 19 Do you see that language? 20 A. Yes, I see that language. 21 Q. Do you agree with that? 22 UNIDENTIFIED SPEAKER: Objection.</p>
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<p>1 BY MR. NATBONY: 2 Q. My question is: Do you have any 3 reason to dispute the definitions contained in 4 this report of the term "Special Revenue Fund"? 5 MS. McKEEN: Objection. 6 THE WITNESS: I don't dispute it 7 one way or another. 8 BY MR. NATBONY: 9 Q. Well, for instance, the definition 10 says that: 11 Special Revenue Funds are not 12 subject to annual appropriation. 13 Would you agree with that? 14 MS. McKEEN: Objection. 15 THE WITNESS: It depends. 16 BY MR. NATBONY: 17 Q. What does it depend on? 18 A. It depends on the type of Funds in question. 19 Q. Are you disputing that generally 20 Special Revenue Funds are not subject to annual 21 appropriation? 22 MS. McKEEN: Object to the form.</p>	<p>1 THE WITNESS: I don't agree one 2 way or the other with this definition. 3 BY MR. NATBONY: 4 Q. Okay. There's another definition 5 of "General Fund" on that page. 6 Do you see that definition? 7 A. I do see the definition. 8 Q. Do you agree with that definition? 9 A. I don't agree one way or the other with the definition. 11 Q. In governmental accounting, is 12 there a difference between what is called a 13 Fund and a bank account? 14 A. I don't know in government accounting. 16 Q. Well, in the Commonwealth -- in 17 the Commonwealth, there are bank accounts and 18 there are also things called Funds, correct? 19 A. That is correct. 20 Q. And there are different Funds, 21 F-U-N-D-S, capitalized, that are part of the 22 TSA; is that correct? 23 MS. McKEEN: Objection to the 24 form. 25 THE WITNESS: That's not really</p>

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<p>54</p> <p>1 how I think about the TSA. 2 BY MR. NATBONY: 3 Q. Okay. Well, there are things 4 called the General Fund. Are you familiar with 5 that? 6 A. I am familiar with the General Fund. 7 Q. Is the General Fund a designation 8 of monies that are contained in the TSA? 9 A. The General Fund designation does 10 not necessarily mean Funds are contained within 11 the TSA. 12 Q. Okay. What's the difference 13 between a Fund and an account, in your 14 understanding, of how they are used in the 15 Commonwealth? 16 A. Generally, in my work with the 17 Commonwealth, including management and tax 18 reporting, I understand accounts as having 19 balances, bank accounts, and Funds do not have 20 a -- do not -- do not correspond with the bank 21 account. 22 Q. But Funds do have balances in 23 them; is that correct? 24 MS. McKEEN: Object to the form.</p>	<p>56</p> <p>1 determine at any time what amount of monies are 2 designated part of the General Fund? 3 A. That question doesn't really make 4 sense to me. 5 Q. Why doesn't it make sense to you? 6 A. Because I've taken it into 7 context, you know, in my work and in the 8 context of the TSA, TSA Cash Flow Funds are 9 irrelevant. 10 Q. Have you ever worked with 11 determining the amount of monies in the General 12 Fund? 13 A. It's not the way that I really 14 think about the General Fund. 15 Q. Have you ever had to determine 16 what amount of monies were designated part of 17 the General Fund? 18 A. No, because the question doesn't 19 really make sense to me. 20 Q. Why does the question not make 21 sense to you? 22 A. Because in the context of the TSA 23 report that we're viewing in the cash account, 24 you would have to say that the cash balance in 25 the TSA corresponds to X, Y, Z funds.</p>
<p>55</p> <p>1 THE WITNESS: Can you rephrase the 2 question? 3 BY MR. NATBONY: 4 Q. Funds have balances that are 5 associated with them at any particular time, 6 correct? 7 A. I'm not certain if Funds, 8 individual Fund balances have -- or that -- I'm 9 not certain that Funds have balances like that. 10 Q. Well, for instance, you understood 11 there was a General Fund, correct? 12 A. There is the concept of General 13 Fund, yes. 14 Q. Well, there is something that 15 exists in the designation of the Commonwealth 16 that is called General Fund, correct? 17 A. There is a designation of General 18 Fund within the Commonwealth. 19 Q. If you look at the definition on 20 page 3, again, of the Monoline Exhibit 5, 21 General Fund is defined as the Principal 22 Operating Fund of the Commonwealth. 23 Do you see that? 24 A. I do see that. 25 Q. Is the Commonwealth able to</p>	<p>57</p> <p>1 Q. Do you know whether or not the 2 Commonwealth is able to determine at any 3 particular time how much money has been 4 designated part of the General Fund? 5 A. I'm not sure I understand what 6 you're saying with "designated part of the 7 General Funds." 8 Q. Well, there are -- there are 9 monies that are designated as part of the 10 General Fund in the Commonwealth, correct? 11 A. There are Funds that are 12 designated as General -- General Fund Funds. 13 Q. How do you -- how would the 14 Commonwealth go about determining at any 15 particular time what the amount of those monies 16 are? 17 A. That's not an exercise that I have 18 ever done nor that we do at the Commonwealth. 19 Q. Okay. There's also a Fund called 20 Fund 278. Are you familiar with that? 21 A. I am familiar with Fund 278. 22 Q. What is Fund 278? 23 A. Fund 278 is a specific Fund number 24 within the PRIFAS system, Puerto Rico 25 Information and Financial Accounting System,</p>

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<p>1 what I'll refer to as PRIFAS going forward, is 2 a Fund number within the PRIFAS system used to 3 classify revenue at this time.</p> <p>4 Q. And what kind of revenue is 5 classified as part of Fund 278?</p> <p>6 A. Part of Fund 278 are -- revenues 7 that would be classified with Fund 278 would be 8 Funds -- or revenues that had previously been 9 allocated to HTA.</p> <p>10 Q. And those would include, for 11 instance, the HTA excise taxes?</p> <p>12 A. Correct.</p> <p>13 Q. Now, at any particular time, how 14 would the Commonwealth go about determining 15 what monies are classified as part of Fund 278?</p> <p>16 A. Again, we don't really think about 17 Funds in that way.</p> <p>18 Q. Well, what's the purpose of having 19 a Fund designation?</p> <p>20 A. I'm not certain what -- I don't 21 know what the ultimate purpose or intents of 22 Fund designations are for.</p> <p>23 Q. Well, there's got to be some 24 purpose or you wouldn't be doing it, right?</p> <p>25 A. Is that a question?</p>	<p>1 way or the other with that definition. 2 BY MR. NATBONY: 3 Q. As a matter of accounting 4 practice, do Funds usually have a 5 self-balancing set of accounts?</p> <p>6 A. I don't know. That's not 7 something that I -- we -- or I would consider 8 in developing the TSA cash flow report that 9 we're looking at.</p> <p>10 Q. Now, when you were talking about 11 revenues that were classified in Fund 278, when 12 they are so classified, are they on deposit in 13 the TSA?</p> <p>14 A. Maybe I don't understand your 15 question. Could you maybe try rephrasing it?</p> <p>16 Q. Well, you said before that certain 17 revenues, including the HTA excise taxes, are 18 classified within Fund 278. Do you remember 19 that testimony?</p> <p>20 A. Yes.</p> <p>21 Q. At the time that they are 22 classified as Fund 278, where do the actual 23 dollars fit? Are they in the TSA?</p> <p>24 MS. McKEEN: Object to form. 25 THE WITNESS: When the Fund number</p>
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<p>1 MS. McKEEN: Object to the form. 2 THE WITNESS: I've seen no 3 evidence of that, but I would follow the cash 4 in my work. 5 BY MR. NATBONY: 6 Q. So it's possible that that 7 Fund 278 designation remains, you know, even 8 though the Funds were transferred into the TSA, 9 correct? 10 MS. McKEEN: Objection. 11 THE WITNESS: That designation 12 does not remain once the Funds are comingled 13 into the TSA. 14 BY MR. NATBONY: 15 Q. So once the Funds are comingled 16 into the TSA, is there some deduction from the 17 Fund 278 classification amount that occurs? 18 A. I've seen no evidence of that. 19 Q. Well, if -- if the classification 20 disappears, doesn't there have to be some 21 accounting entry to indicate that the amount of 22 classified Funds has decreased? 23 A. Not being a CPA, I'm not sure what 24 the correct accounting entries would be there. 25 Q. Now, with respect to the</p>	<p>62</p> <p>1 THE WITNESS: I don't think of 2 Fund types as having actual cash balances. 3 BY MR. NATBONY: 4 Q. Well, what's the purpose of having 5 a Fund designation? 6 A. The Fund designation records the 7 revenues in certain increments. 8 Q. Right, because the Commonwealth 9 wants to record and track certain revenues, 10 correct? 11 A. The Commonwealth does record and 12 track revenues. 13 Q. Right. And using a Fund like 14 Fund 278 or the General Fund is a way that the 15 Commonwealth uses to track particular monies, 16 correct? 17 A. It is not a way that they use to 18 track money. It is a way that they use to 19 track revenue. 20 Q. Okay. So revenues that come in, 21 the Fund designations are used to track 22 particular types of revenues, correct? 23 A. Correct. 24 Q. So with respect to Fund 278, for 25 instance, that would be a way for the</p>
<p>1 Commonwealth's General Fund, AAFAF, does that 2 classification remain during the course of the 3 time that Funds are in the Commonwealth's 4 possession? 5 MS. McKEEN: Object to form. 6 THE WITNESS: That -- that's not 7 how I think about Funds. 8 BY MR. NATBONY: 9 Q. How do you think about Funds? 10 MS. McKEEN: Object to the form. 11 THE WITNESS: Depends on the 12 context of the work I'm performing. 13 BY MR. NATBONY: 14 Q. Well, how do you think about the 15 Fund 278 Fund? 16 MS. McKEEN: Object to the form. 17 THE WITNESS: Do you have a more 18 specific question than just how do I think 19 about it? 20 BY MR. NATBONY: 21 Q. Well, you said that -- you keep 22 saying my question isn't how you think about 23 it. Well, I'm trying to figure out what you 24 understand the Fund 278 to be. 25 MS. McKEEN: Objection.</p>	<p>63</p> <p>1 Commonwealth to track excise tax revenues when 2 they come in, correct? 3 A. That is how they track excise tax 4 revenues when they're received into the sweep 5 account. 6 Q. Why does the Commonwealth want to 7 track the amount of HTA excise revenues? 8 MS. McKEEN: Objection, it's 9 outside the scope. Can you rephrase the 10 question, Counsel? 11 BY MR. NATBONY: 12 Q. What is the reason that the 13 Commonwealth tracks revenues such as the HTA 14 excise taxes through Fund 278? 15 MS. McKEEN: Counsel, I think 16 that's outside the scope of the topics. I 17 think the Court's order made pretty clear that 18 the witness wasn't going to be asked to testify 19 about the Commonwealth's subjective 20 understanding or why certain actions were 21 taken. 22 So, again, to the extent that's 23 what your question is asking, why the 24 Commonwealth did something, that's outside the 25 scope of the topics.</p>

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18 (Pages 66 to 69)

<p>1 MR. NATBONY: Well, I disagree. 2 Are you directing him not to answer? 3 MS. McKEEN: You can answer. 4 (Simultaneous speaking.) 5 MS. McKEEN: What's the basis for 6 your disagreement that this is not part of the 7 scope? 8 MR. NATBONY: Are you directing 9 him not to answer, yes or no? 10 MS. McKEEN: I mean, if we need to 11 go to the Court, we can, Bill. But I think you 12 very clearly asked him why the Commonwealth did 13 something, and I think that's outside the scope 14 of what the Court has said is proper here. 15 MR. NATBONY: Liz, are you 16 directing him not to answer? 17 MS. McKEEN: I -- I guess I'm 18 still waiting for you to explain to me why you 19 think this is -- 20 (Simultaneous speaking.) 21 MS. McKEEN: Bill, I'm trying to 22 figure out if we need to go to Juge Dein sooner 23 than later. 24 (Simultaneous speaking.) 25 MR. NATBONY: Are you directing</p>	<p>66</p> <p>1 to testify, but if you are asking him to 2 testify about the Commonwealth's state of mind, 3 its understanding or why certain actions were 4 taken, I'll direct the witness not to answer 5 because it's outside the scope. 6 MR. NATBONY: Okay. Can the court 7 reporter repeat the question that I asked, 8 please? 9 (Record read as requested.) 10 "What is the reason that the 11 Commonwealth tracks revenues 12 such as the HTA excise taxes 13 through Fund 278?" 14 MS. McKEEN: So I'm going to 15 instruct the witness not to answer the question 16 because the Court very clearly stated that 17 discovery is not authorized into the main 18 reasons for the Commonwealth decision. 19 MR. NATBONY: Okay. 20 BY MR. NATBONY: 21 Q. Now, Mr. Ahlberg, when you 22 testified previously that the designation of 23 the excise taxes does not remain when a 24 transfer is made to the TSA, how do you know 25 that?</p>	<p>67</p> <p>1 him not to answer? If you're not directing him 2 not to answer -- 3 MS. McKEEN: Can you stop 4 interrupting, please? 5 MR. NATBONY: Go ahead, I'll let 6 you speak first. 7 MS. McKEEN: If you're not willing 8 to articulate your position, I think it makes 9 it really difficult for us to try to move 10 forward here. 11 MR. NATBONY: The simple fact is 12 that we're trying to understand, as the Court 13 said, the designations of particular monies and 14 the transmittal of monies. 15 The designation was one of the 16 things the Court talked about, trying to 17 understand those type of -- maybe he just 18 doesn't know why there are these designations. 19 Now, if you're going to direct him 20 not to answer, then do so. 21 MS. McKEEN: So, Bill, let me 22 clarify my answer. 23 To the extent you're asking the 24 witness what actions were and weren't taken by 25 the Commonwealth, that's fine, I'll allow him</p>	<p>68</p> <p>1 A. By reviewing the full daily sweep 2 transfers from the sweep account to the TSA 3 operational account. 4 Q. And by looking at those documents, 5 can you tell whether the Fund 278 designation 6 has remained in place? 7 A. No. 8 Q. So, again, what is the basis of 9 your testimony that the Fund 278 designation 10 does not remain when the transfer is made to 11 the TSA account? 12 A. Could you repeat the question all 13 together? 14 Q. Well, I asked you, how do you know 15 that the Fund 278 designation does not remain 16 when the transfer to the operational account 17 occurs. I'm trying to understand how you know 18 that. 19 A. Right. So at the end of the day, 20 when the sweep account sweeps to the TSA 21 operational account, comes to it, one -- one 22 transfer which groups revenues that have been 23 received in the sweep account that may not be 24 the HTA excise tax as well. 25 Q. Is there some report that you look</p>
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19 (Pages 70 to 73)

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1 at that shows that the amount designated for 2 Fund 278 has been reduced? 3 A. No. 4 Q. Is there any report that you're 5 aware of that you can run for the Commonwealth 6 that would show on any particular day how much 7 money is designated as Fund 278 money? 8 A. No. 9 Q. Is there any report that the 10 Commonwealth could run on any particular day to 11 show how much money has been designated part of 12 the Commonwealth's General Fund? 13 A. I don't know how to answer that 14 question. I can't answer that question in 15 that it doesn't make sense to me. 16 Q. Why doesn't it make sense? 17 A. Because I don't think about the 18 TSA cash balance by Fund type. 19 Q. If you wanted to determine what 20 monies were in the Commonwealth's General Fund 21 today, what would you do? Well, strike that 22 question. 23 If you wanted to determine what 24 monies were designated as part of the 25 Commonwealth's General Fund today, what would	1 All revenues that were earned in 2 Fund 278 are earned under Fund 278. 3 BY MR. NATBONY: 4 Q. Right. And how would you -- how 5 would you, if you wanted to, go about 6 determining what revenues today are designated 7 part of Fund 278? 8 MS. MCKEEN: Same objection. 9 THE WITNESS: You can determine 10 how many revenues were earned in Fund 278, but 11 the part about designation does not make sense 12 to me. 13 BY MR. NATBONY: 14 Q. How would you go about determining 15 what revenues were earned as part of Fund 278 16 today? 17 A. I would run -- or I would use data 18 to look at the Collecteria account transactions 19 data. 20 Q. Is that a complicated report to 21 run? 22 A. That's subjective. 23 Q. Well, how long would it take to 24 run a report like that? 25 A. Assuming a Funds field is included
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20 (Pages 74 to 77)

<p>74</p> <p>1 Special Revenue Funds, A, means any Funds that</p> <p>2 are not General Funds or Federal Funds.</p> <p>3 Q. And is it fair to say that Special</p> <p>4 Revenue Funds generally have some specific use</p> <p>5 for purposes established by either law or</p> <p>6 legislation?</p> <p>7 MS. McKEEN: Object to the form of</p> <p>8 the question.</p> <p>9 THE WITNESS: I'm not an attorney,</p> <p>10 so I don't know for certain.</p> <p>11 BY MR. NATBONY:</p> <p>12 Q. Well, you said before that there</p> <p>13 was -- I think you used the word</p> <p>14 "reclassification." Are you aware of any</p> <p>15 reclassification of revenue earned in Fund 278</p> <p>16 for the General Fund or otherwise?</p> <p>17 A. No.</p> <p>18 Q. Why would -- strike that.</p> <p>19 What is the difference between a</p> <p>20 Special Revenue Fund and a General Fund, in</p> <p>21 your opinion?</p> <p>22 A. In the context of my work with the</p> <p>23 Commonwealth, specifically with the TSA, the</p> <p>24 General Fund to me means all General Funds</p> <p>25 dollars will pass through the TSA, and special</p>	<p>1 Q. And is it fair that these reports</p> <p>2 separate revenues as either being General Fund</p> <p>3 collection or special revenue collections?</p> <p>4 A. It is true that the report</p> <p>5 separates both.</p> <p>6 Q. And the HTA excise taxes, those</p> <p>7 have been reported as special revenue</p> <p>8 collections, correct?</p> <p>9 A. I would need to check that</p> <p>10 specific page of the document to make sure.</p> <p>11 Q. Okay.</p> <p>12 MR. NATBONY: Let's pull up tab 5.</p> <p>13 Let's mark that as Monoline Exhibit 6.</p> <p>14 (Monoline Exhibit 6 is</p> <p>15 introduced for the record.)</p> <p>16 BY MR. NATBONY:</p> <p>17 Q. While that is being pulled up, let</p> <p>18 me ask you this question:</p> <p>19 When revenues are transferred from</p> <p>20 a collections account to the TSA operational</p> <p>21 account, are they classified as General Fund</p> <p>22 revenues?</p> <p>23 MS. McKEEN: Object to the form of</p> <p>24 the question.</p> <p>25 THE WITNESS: Would you repeat the</p>
<p>75</p> <p>1 revenues means that special revenues may or may</p> <p>2 not pass through the TSA.</p> <p>3 Q. Are Special Revenue Funds</p> <p>4 generally created because they're in some</p> <p>5 special purpose for the Funds, for the money</p> <p>6 for the revenues in those Funds?</p> <p>7 MS. McKEEN: Object to the form.</p> <p>8 Are you asking him why Special</p> <p>9 Revenue Funds are created?</p> <p>10 MR. NATBONY: I think my question</p> <p>11 stands.</p> <p>12 MS. McKEEN: Okay. Well, if</p> <p>13 you're asking him why the Commonwealth took a</p> <p>14 certain action, I'm going to instruct the</p> <p>15 witness not to answer for the same reasons we</p> <p>16 previously stated. You're free to ask the</p> <p>17 witness what was or wasn't done but not the</p> <p>18 reasoning behind it.</p> <p>19 BY MR. NATBONY:</p> <p>20 Q. Let's talk a little bit about the</p> <p>21 TSA cash flow reports that we have seen before.</p> <p>22 Is it fair that these cash flow</p> <p>23 reports are revenues that have been collected</p> <p>24 by the Commonwealth Treasury?</p> <p>25 A. Yes.</p>	<p>77</p> <p>1 question?</p> <p>2 BY MR. NATBONY:</p> <p>3 Q. When revenues are transferred from</p> <p>4 the Commonwealth's collection account to this</p> <p>5 operational account, CF TSA, are they</p> <p>6 classified as General Fund revenues?</p> <p>7 A. There's no --</p> <p>8 MS. McKEEN: Object to the form of</p> <p>9 the question.</p> <p>10 THE WITNESS: There's no</p> <p>11 classification -- there's no classification at</p> <p>12 the time of that transfer.</p> <p>13 BY MR. NATBONY:</p> <p>14 Q. We brought up onto the screen what</p> <p>15 has now been marked as Monoline Exhibit 6. I'm</p> <p>16 going to ask -- you recognize this as another</p> <p>17 TSA cash flow report, correct?</p> <p>18 A. Having just seen the cover page</p> <p>19 here, that's what it looks like.</p> <p>20 Q. I guess if you could turn to</p> <p>21 page 7 of that document.</p> <p>22 A. Give me a second here.</p> <p>23 Q. Looking at page 7, do you see that</p> <p>24 there are separate categories of General Fund</p> <p>25 and Special Revenue Funds? Do you see that?</p>

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<p>78</p> <p>1 A. Yes, I see that.</p> <p>2 Q. And looking at this or anything</p> <p>3 else in the TSA report, can you determine</p> <p>4 whether HTA excise tax revenues are reported as</p> <p>5 part of the General Fund or part of the special</p> <p>6 revenue?</p> <p>7 MS. McKEEN: Bill, is it --</p> <p>8 THE WITNESS: This --</p> <p>9 MS. McKEEN: Hold on for a second.</p> <p>10 Bill, does the witness have</p> <p>11 control of the documents so he can page through</p> <p>12 it if he needs? Thank you.</p> <p>13 THE WITNESS: In this report, the</p> <p>14 HTA excise taxes would be included in line 13</p> <p>15 on this page.</p> <p>16 BY MR. NATBONY:</p> <p>17 Q. That would be the special -- under</p> <p>18 Special Revenue Funds, correct?</p> <p>19 A. In this document, that is correct.</p> <p>20 Q. Do you have any reason to believe</p> <p>21 that the HTA excise taxes were reported at any</p> <p>22 time under the General Fund category?</p> <p>23 A. No.</p> <p>24 Q. Give me a second here.</p> <p>25 On behalf of the Commonwealth in</p>	<p>80</p> <p>1 accounts that may or may not be referred to in</p> <p>2 that way.</p> <p>3 MR. NATBONY: Okay. Let's bring</p> <p>4 up tab 19 and mark that as Monoline's dep.</p> <p>5 (Monoline Exhibit 7 is</p> <p>6 introduced for the record.)</p> <p>7 BY MR. NATBONY:</p> <p>8 Q. Let's turn to page 2 of this</p> <p>9 document, which is a chart, and I will</p> <p>10 represent to you that this has been taken from</p> <p>11 the governing parties' opposition to the HTA</p> <p>12 lift-stay motion as Exhibit A to that</p> <p>13 opposition.</p> <p>14 UNIDENTIFIED SPEAKER: I think</p> <p>15 it's the Oversight Board's brief, but there is</p> <p>16 a joinder, I think.</p> <p>17 MR. NATBONY: I see it. I'll</p> <p>18 accept that amendment.</p> <p>19 BY MR. NATBONY:</p> <p>20 Q. Are you able to see that chart?</p> <p>21 A. I can see the chart.</p> <p>22 Q. And hopefully you're able to blow</p> <p>23 it up sufficiently so that you can look at it.</p> <p>24 Have you seen this document</p> <p>25 before?</p>
<p>79</p> <p>1 HTA, do you have an understanding as to the</p> <p>2 term "special deposit"?</p> <p>3 A. I'm not familiar with that term.</p> <p>4 Q. Have you used the term "special</p> <p>5 deposit" in any of your work with respect to</p> <p>6 the Commonwealth?</p> <p>7 A. I can't recall a time personally</p> <p>8 where I used that phrase.</p> <p>9 Q. Looking back at Monoline</p> <p>10 Exhibit 6, the page that we were talking about</p> <p>11 before with respect to special revenues and</p> <p>12 general revenues, the revenues that you refer</p> <p>13 to in line 13, do they correspond to actual</p> <p>14 dollars?</p> <p>15 A. This report would capture cash</p> <p>16 receipts. It's not a revenue report.</p> <p>17 Q. What do you mean by "asset</p> <p>18 receipts"?</p> <p>19 A. Cash -- cash receipts.</p> <p>20 Q. Cash receipts.</p> <p>21 A. Yes.</p> <p>22 Q. Do you know whether the</p> <p>23 Commonwealth has any bank accounts known as</p> <p>24 special deposit accounts?</p> <p>25 A. I'm not certain of specific</p>	<p>81</p> <p>1 A. I have seen this document before.</p> <p>2 Q. Do you know who prepared this</p> <p>3 exhibit?</p> <p>4 A. I believe counsel for the</p> <p>5 Oversight Board did.</p> <p>6 Q. Were you involved in preparing</p> <p>7 this exhibit?</p> <p>8 A. I was not involved.</p> <p>9 Q. So do you know what documents were</p> <p>10 used to prepare this exhibit?</p> <p>11 A. I do not know all the documents</p> <p>12 that were used to prepare this exhibit.</p> <p>13 Q. Do you know anything about how</p> <p>14 this document was prepared?</p> <p>15 A. I know that in preparation of this</p> <p>16 document, it involves review of laws and</p> <p>17 statutes.</p> <p>18 Q. How do you know that?</p> <p>19 A. Based on conversation, having</p> <p>20 reviewed this document before.</p> <p>21 Q. Looking at the language on the</p> <p>22 right side about three-quarters down, that</p> <p>23 says:</p> <p>24 HTA imposes and collects toll</p> <p>25 revenues.</p>

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<p>1 Do you see that language? 2 A. I see that language. 3 Q. So is it fair to say that under 4 this exhibit, toll revenues do not touch any 5 Commonwealth account; is that correct? 6 MS. McKEEN: Object. Objection. 7 THE WITNESS: This diagram -- this 8 does not appear to me from this diagram. 9 BY MR. NATBONY: 10 Q. So it does not appear to you from 11 this diagram that toll revenues touch any 12 Commonwealth bank account, correct? 13 MS. McKEEN: Object to the form of 14 the question. 15 THE WITNESS: It's not clear to me 16 one way or the other reviewing this document. 17 BY MR. NATBONY: 18 Q. Well, you did draft some flow of 19 funds documents relating to the toll revenues 20 as separate and apart from this exhibit, did 21 you not? 22 A. Correct. 23 Q. And is it your recollection that 24 when you looked at the flow of funds that with 25 respect to toll revenues they never touched any</p>	<p>82</p>	<p>1 you want to do it. 2 MR. NATBONY: I thought we were 3 working on Central time, but if you folks want 4 to do lunch at 1, I have no problem doing that. 5 We have not been going for that long. It'll be 6 an earlier lunch. 7 MS. McKEEN: I don't care if 8 anyone actually eats. I just think if we could 9 take a break around 1 o'clock, that would be 10 great. 11 MR. NATBONY: Okay. I'll do my 12 best. Right around there is fine. 13 MS. McKEEN: Thanks. 14 BY MR. NATBONY: 15 Q. Let me know when you're ready, 16 Mr. Ahlberg. 17 A. Ready. 18 Q. So looking at the language that I 19 referred you to, would you agree that Funds in 20 Treasury's accounting system are both fiscal 21 and accounting entities? 22 A. That's what the document says. 23 Q. But do you agree with that 24 statement? 25 A. Yes.</p>
	<p>83</p>	<p>1 Commonwealth bank account? 2 A. That's correct. 3 MR. NATBONY: Okay. Let's pull up 4 tab 39. Let's mark that as -- I think we 5 already marked it as Monoline Exhibit 1, so 6 let's bring it up. 7 Let's turn to page 5. 8 BY MR. NATBONY: 9 Q. This is a letter, Mr. Ahlberg, 10 that we received from your counsel, Ms. McKeen, 11 on March 13th of 2020. 12 I'm looking at page 5. I'd like 13 you to take a look at the language about 14 three-quarters of the way down the page that 15 starts with the word "Fondo." 16 Do you see that? 17 A. I do. Would you give me a minute 18 to page through the rest of this document? 19 Q. Surely. 20 MS. McKEEN: I don't want to 21 interrupt your flow, but as we get closer to 22 1 o'clock Eastern, I think it might make sense 23 to take some form of a lunch break or a half 24 hour break or something, whatever makes sense, 25 when you get through this document or however</p>

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<p>1 within the Treasury systems. 2 Do you agree with that statement? 3 A. Yes. 4 Q. The next line is: 5 Separate Fund numbers exist to 6 designate Federal Funds under Puerto Rico 7 General Fund. 8 Do you agree with that statement? 9 A. Yes. 10 Q. Okay. The next paragraph talks 11 about the value post 660000, referring to HTA 12 within PRIFAS, P-R-I-F-A-S. 13 Do you agree with that statement? 14 A. Yes. 15 Q. In the course of your work with 16 AAFAF, have you ever seen any written reports 17 concerning Fund 278? 18 A. Could you clarify what you mean by 19 "written reports"? 20 Q. Any reports that talk about Funds 21 that -- that concern Fund 278. 22 MS. McKEEN: Objection, object to 23 the form. 24 THE WITNESS: As previously 25 mentioned, it is possible to run reports on the</p>	<p>86</p> <p>1 so tell me what PRIFAS is. 2 A. PRIFAS is the Puerto Rico 3 Information and Financial Accounting System. 4 Q. And what is SURI, S-U-R-I? 5 A. That's a Spanish acronym, like the 6 unified collection system -- I apologize, 7 that's mis -- misphrased, but (indiscernible). 8 Q. And what is SURI used for? 9 A. SURI is a revenue -- collection 10 revenue recognition platform. 11 Q. Is SURI used for the collection of 12 HTA excise taxes? 13 A. No. 14 Q. Does the PRIFAS accounting system 15 maintain historical records of all accounting 16 entries for the Commonwealth? 17 A. There is accounting information 18 stored within PRIFAS. I don't know if it 19 maintains every accounting entry. 20 Q. Does PRIFAS maintain records by 21 Fund? 22 A. There are historical records in 23 PRIFAS that include a Fund-type designation. 24 Q. And Fund 278 is a Fund designation 25 maintained in PRIFAS, right?</p>	<p>88</p>
<p>1 collections received into the Collecteria 2 accounts and extract Fund designation from 3 there. 4 BY MR. NATBONY: 5 Q. Have you seen those types of 6 reports in preparation for the deposition 7 today? 8 A. I have. 9 Q. Have you seen any reports that 10 show withdrawals from the Fund 278 11 designations? 12 UNIDENTIFIED SPEAKER: Object to 13 the form. 14 MR. NATBONY: I'll rephrase it. 15 BY MR. NATBONY: 16 Q. Have you seen any reports 17 indicating withdrawals from Fund 278? 18 MS. McKEEN: Same objection. 19 UNIDENTIFIED SPEAKER: Same 20 objection. 21 THE WITNESS: I have seen reports 22 prepared by HTA management that does have the 23 word "withdrawals" on it. 24 BY MR. NATBONY: 25 Q. Now, you mentioned PRIFAS before,</p>	<p>87</p> <p>1 A. Correct. 2 Q. Does Treasury maintain any ledgers 3 for each Fund? 4 A. I'm not certain of the specifics 5 of the accounting ledgers. 6 Q. Do you know whether any ledgers 7 that are maintained for Fund 278 are done in 8 accordance with GASB standards? 9 MS. McKEEN: Objection to the form. 10 THE WITNESS: Not being a CPA, I'm 11 not sure of the Treasury standards, but also 12 not sure about the first part of your question 13 as well. 14 BY MR. NATBONY: 15 Q. Do you know whether Treasury does 16 any reconciliations for the various Funds? 17 "Funds" is capitalized. 18 A. I do know that Treasury monitors 19 transactions. I'm not aware of any specific 20 ledger tracking. 21 Q. How do they monitor transactions 22 getting to Fund 278? 23 A. I would include -- I mean, just 24 downloading the information from Collecteria 25 with all the transactions that were tagged with</p>	<p>89</p>

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24 (Pages 90 to 93)

<p style="text-align: right;">90</p> <p>278 would be a first step in that process.</p> <p>Q. Are there other steps that the Commonwealth can take to monitor transactions with respect to Fund 278?</p> <p>A. There's interaction between Treasury and HTA to agree upon amounts.</p> <p>Q. What do you mean by: "There's interaction between Treasury and HTA to agree upon amounts"?</p> <p>A. I just meant that – I just meant that HTA and Treasury are in communication.</p> <p>Q. What are they in communication about with respect to Fund 278?</p> <p>A. I don't know of any specific Fund 278, you know, interaction, but HTA typically receives a transfer from Treasury on a monthly basis, so there is -- there would be a phone call before that transfer is made.</p> <p>Q. Is that a phone call you would make?</p> <p>A. No.</p> <p>Q. Who would be making that phone call?</p> <p>A. I'm not certain who would be making that phone call.</p>	<p style="text-align: right;">92</p> <p>revenues does have to be input somehow to the PRIFAS system, right?</p> <p>A. Collections would interface with PRIFAS.</p> <p>Q. So that PRIFAS is able to issue reports on collections, including excise taxes, right?</p> <p>MS. McKEEN: Object to form.</p> <p>THE WITNESS: The report that I previously mentioned where you would take Fund 278 from Collectoria collections, transactional detail, that is extracting data, cash transaction data from that account. That is not extracting data from PRIFAS.</p> <p>BY MR. NATBONY:</p> <p>Q. Where does it extract from?</p> <p>A. It extract data from Collectoria bank accounts.</p> <p>Now, that information does interface with PRIFAS, but I just – I don't extract that information from PRIFAS for purposes of cash reporting, because my focus would be on cash, so I would go to the actual cash accounts and pull those numbers.</p> <p>Q. But the information in Collectoria</p>
<p style="text-align: right;">91</p> <p>Q. What is the BPPR collection system?</p> <p>A. That – is there a specific location where that phrase is used, because I think it depends on the context.</p> <p>Q. Well, is that an automated system that reports collections including, for instance, things like excise taxes?</p> <p>MS. McKEEN: Objection.</p> <p>THE WITNESS: Could you clarify what you mean by "BPPR collection system"?</p> <p>BY MR. NATBONY:</p> <p>Q. Well, is there some automated system within the Commonwealth that reports collections for things like excise taxes?</p> <p>A. There are no automated reports for excise taxes.</p> <p>Q. How does the Commonwealth track excise tax revenues -- well, strike that. Is collections data of excise taxes provided to PRIFAS, P-R-I-F-A-S?</p> <p>A. I don't – I'm not sure the way you're using, like, "provided to PRIFAS." That doesn't really make sense to me.</p> <p>Q. Well, the collection of excise tax</p>	<p style="text-align: right;">93</p> <p>would be in PRIFAS, would it not?</p> <p>MS. McKEEN: Object to the form.</p> <p>THE WITNESS: The collections received into Collectoria are recorded into PRIFAS.</p> <p>BY MR. NATBONY:</p> <p>Q. So would reports be able to be run through PRIFAS that show the amounts of excise taxes collected over various periods of time?</p> <p>A. Reports from PRIFAS would show the amount of revenue earned, not necessarily cash collected.</p> <p>Q. But you would be able to run reports under PRIFAS for amounts of revenue earned, for example, HTA excise taxes?</p> <p>A. Correct.</p> <p>MR. NATBONY: Okay. It's a little after 1. You wanted to take a break, Liz, so I'm happy to do that at this time. Do we want to reconvene at 1:30, 1:35?</p> <p>MS. McKEEN: That works great for us.</p> <p>MR. NATBONY: All right. Thank you very much, Mr. Ahlberg, and we'll be reconvening at 1:35. People are going to stay</p>

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<p>94</p> <p>1 on, I guess, and not disconnect. We'll come 2 back at 1:35, all right? 3 THE WITNESS: That's my question. 4 What -- do I hang up and end now, or do we just 5 go on mute and hide video and wait to come 6 back? 7 MS. McKEEN: Tim, I think you 8 should hang up your phone and hide video. 9 THE WITNESS: Okay. 10 MS. McKEEN: I think that will be 11 sufficient. 12 MR. NATBONY: Okay. Thank you, 13 everybody. 14 THE VIDEOGRAPHER: We are off the 15 record at 12:05 p.m. 16 (Recess taken.) 17 A F T E R N O O N S E S S I O N 18 THE VIDEOGRAPHER: We are back on 19 the record at 12:37 p.m. 20 MR. NATBONY: Thank you. 21 BY MR. NATBONY: 22 Q. Good afternoon, Mr. Ahlberg. We 23 will continue our questioning. 24 When we left off, we were talking 25 about Fund 278 reports.</p>	<p>96</p> <p>1 THE WITNESS: Not from the PRIFAS 2 system. 3 BY MR. NATBONY: 4 Q. Are you aware of any system that 5 would be able to run such a report? 6 A. No. 7 Q. Is it your testimony that you know 8 there is no such ability, or you just don't 9 know? 10 A. I didn't catch the last -- I 11 didn't catch the phrasing of the question. 12 Q. Is it your testimony that you know 13 there is no ability to run such a report, or 14 you just don't know? 15 A. I've never seen the capability of 16 the system to do that. 17 Q. Well, do you know whether or not 18 there is an ability to run a report that would 19 show what is the current balance in Fund 278? 20 MS. McKEEN: Objection. 21 THE WITNESS: I'm not aware of a 22 report that you could run that would show that 23 within PRIFAS. 24 BY MR. NATBONY: 25 Q. And again, I just want to be</p>
<p>95</p> <p>1 A. Excuse me. Is your camera on? I 2 can't see your box. 3 Q. It's on, yes. 4 A. I can only see myself and Liz. 5 Q. I'll just turn it off and turn it 6 on again, see if that works. 7 My camera is on. I see the three 8 of us. Do you not see me? 9 A. Okay. Now, I'm seeing everyone. 10 Q. Okay. Okay. So based on your 11 work with the Commonwealth, what Commonwealth 12 systems can run reports concerning Fund 278? 13 A. Off the top of my head, I think 14 that you could run a cash collections report 15 for Fund 278, mining data from the transaction 16 details from the Collectoraria sweep account. 17 Additionally, within PRIFAS, you 18 may be able to collect a Fund – Fund 19 designation and run a report that would show 20 earned revenues for that Fund number during the 21 discrete time period specified by the query. 22 Q. Are there any reports that you're 23 aware of that can be run showing the current 24 balance of Fund 278? 25 MS. McKEEN: Object to the form.</p>	<p>97</p> <p>1 clear. Is it that you're just not aware of any 2 or you know for sure that there is none? 3 A. There are no ongoing reports that 4 are -- that are typically generated in the 5 course of business like this. 6 Q. I'm not asking you that question. 7 I'm asking you whether you know 8 definitively whether or not a report can be 9 created that would show the current balance in 10 Fund 278. 11 MS. McKEEN: Objection. 12 THE WITNESS: I don't think so. 13 BY MR. NATBONY: 14 Q. Now, you mentioned that there was 15 a couple of different types of reports that you 16 could obtain. What information can you obtain 17 in a report relating to Fund 278 aside from 18 earned revenues? 19 A. Earned revenues or cash collection 20 at the point of receipt into the Collectoraria 21 account. 22 Q. Does the Commonwealth engage in 23 any activities to reconcile revenues earned to 24 revenues collected with respect to Fund 278? 25 A. I didn't hear the first part of</p>

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<p>98</p> <p>1 your question.</p> <p>2 Q. Does the Commonwealth do anything</p> <p>3 to reconcile revenues earned to revenues</p> <p>4 collected with respect to Fund 278?</p> <p>5 A. Yeah, that would involve making</p> <p>6 sure that cash collection is assigned to the</p> <p>7 appropriate accrual accounting period.</p> <p>8 Q. How would you do that?</p> <p>9 A. I'm not certain how those entries</p> <p>10 get entered into the system.</p> <p>11 Q. But there would be a way to do it,</p> <p>12 right?</p> <p>13 A. A way to do what?</p> <p>14 Q. Reconcile revenues earned to</p> <p>15 revenues collected for Fund 278.</p> <p>16 A. We can certainly compare cash</p> <p>17 collection to earned revenue. I understand the</p> <p>18 differences between the two.</p> <p>19 MR. NATBONY: Okay. Let's pull up</p> <p>20 tab 37, which will be Monoline Exhibit 8.</p> <p>21 (Monoline Exhibit 8 is</p> <p>22 introduced for the record.)</p> <p>23 BY MR. NATBONY:</p> <p>24 Q. Do you see it?</p> <p>25 A. I see that document now.</p>	<p>100</p> <p>1 A. I believe they were the auditing</p> <p>2 firm of HTA.</p> <p>3 Q. So they were the auditors for HTA</p> <p>4 in 2016?</p> <p>5 A. I'm not certain of the years that</p> <p>6 EY was the auditor of HTA.</p> <p>7 Q. Well, the date of this letter is</p> <p>8 2016, and you would agree with me that this is</p> <p>9 a response to a Request For Information by</p> <p>10 Ernst & Young, correct?</p> <p>11 MS. McKEEN: Object to the form.</p> <p>12 THE WITNESS: That's what the</p> <p>13 document says.</p> <p>14 BY MR. NATBONY:</p> <p>15 Q. Okay. Is it fair to say that</p> <p>16 Ernst & Young was seeking a list of payouts</p> <p>17 that the HTA maintained in Treasury?</p> <p>18 MS. McKEEN: Objection.</p> <p>19 THE WITNESS: It's not clear to me</p> <p>20 from this document.</p> <p>21 BY MR. NATBONY:</p> <p>22 Q. Okay. What do you understand this</p> <p>23 letter to be?</p> <p>24 A. This letter appears to be a</p> <p>25 request for certification of the information</p>
<p>99</p> <p>1 Q. Okay. Great.</p> <p>2 Take a look at this four-page</p> <p>3 document, and I will let you know that there is</p> <p>4 an English -- certified English translation</p> <p>5 that follows it, but happy for you to just look</p> <p>6 at the exhibit, first four pages, if you</p> <p>7 understand Spanish.</p> <p>8 Have you seen this document --</p> <p>9 MS. McKEEN: Bill, I'd like to see</p> <p>10 the certified English translation.</p> <p>11 MR. NATBONY: It's there. It's</p> <p>12 right attached to it.</p> <p>13 MS. McKEEN: Thank you.</p> <p>14 BY MR. NATBONY:</p> <p>15 Q. Looking at the first four pages of</p> <p>16 this document, have you seen this document</p> <p>17 before?</p> <p>18 A. Will you give me one minute to</p> <p>19 review the document, please?</p> <p>20 Q. Sure.</p> <p>21 A. I have not seen this document</p> <p>22 before.</p> <p>23 Q. Okay. This is a document that was</p> <p>24 produced to us. Do you have any idea what the</p> <p>25 relationship of Ernst & Young is to HTA?</p>	<p>101</p> <p>1 related to the accounts with the</p> <p>2 authority below.</p> <p>3 Q. All right. And it's asking for</p> <p>4 accounts that are maintained at Treasury,</p> <p>5 correct?</p> <p>6 MS. McKEEN: Objection, document</p> <p>7 speaks for itself.</p> <p>8 BY MR. NATBONY:</p> <p>9 Q. You can answer.</p> <p>10 A. It's not clear to me that this</p> <p>11 department refers to Treasury.</p> <p>12 Q. Do you have any personal knowledge</p> <p>13 about this letter or the response that was made</p> <p>14 to -- sorry.</p> <p>15 Do you have any personal knowledge</p> <p>16 as to the request that came from Ernst & Young</p> <p>17 for this response that was provided to Ernst &</p> <p>18 Young?</p> <p>19 MS. McKEEN: Object to the form of</p> <p>20 the question.</p> <p>21 THE WITNESS: No.</p> <p>22 BY MR. NATBONY:</p> <p>23 Q. In looking at the heading of the</p> <p>24 letter, it is from the Treasury, right?</p> <p>25 A. That is what the header says.</p>

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<p>1 Q. So it is a letter from -- it is a 2 letter from the Treasury (indiscernible), 3 correct?</p> <p>4 MS. McKEEN: Objection. Bill, 5 you're also cutting out.</p> <p>6 MR NATBONY: Sorry.</p> <p>7 THE WITNESS: You want to -- you 8 want to break for a moment? You want to go on 9 mute?</p> <p>10 BY MR. NATBONY:</p> <p>11 Q. So the letter is a letter from the 12 Treasury providing information to Ernst & 13 Young, correct?</p> <p>14 MS. McKEEN: Objection.</p> <p>15 THE WITNESS: That's what the 16 document says.</p> <p>17 BY MR. NATBONY:</p> <p>18 Q. And you do agree with me that this 19 is a response that talks about accounts that 20 are maintained at Treasury by HTA?</p> <p>21 MS. McKEEN: Same objection.</p> <p>22 THE WITNESS: That's what the 23 document says.</p> <p>24 BY MR. NATBONY:</p> <p>25 Q. And if you look at pages 2 to 4 of</p>	<p>1 BY MR. NATBONY: 2 Q. So let me ask the question again. 3 Following the first page of this 4 letter, there are several pages, and those 5 pages list Funds (indiscernible) that HTA was 6 making from the Treasury, correct?</p> <p>7 MS. McKEEN: Objection.</p> <p>8 THE WITNESS: It's not clear to me 9 from this document that Fund 278 is noted 10 anywhere in the document.</p> <p>11 BY MR. NATBONY:</p> <p>12 Q. Okay. Well, let's look at the 13 second page. Are you going to look at the 14 Spanish or the English version?</p> <p>15 A. English.</p> <p>16 Q. English? So looking at the second 17 page of the document, which is HTA 0028472, 18 there are numbers at the top of the page that 19 say 278-0660000 and other numbers. Do you see 20 that?</p> <p>21 A. Yes, I do see that.</p> <p>22 Q. Doesn't that indicate to you 23 Fund 278?</p> <p>24 MS. McKEEN: Objection to the form 25 of the question.</p>
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<p>1 THE WITNESS: There are sources of 2 revenues listed. 3 BY MR. NATBONY: 4 Q. Right. And those sources of 5 revenues include gasoline taxes, right? 6 A. That's what the document says. 7 Q. Diesel taxes? 8 A. That's what the document says. 9 Q. Vehicle license fee? 10 A. Are you referring to motor 11 registration? 12 Q. Yes, sir. 13 A. I see that. 14 Q. Crude oil, petroleum taxes? 15 A. I see those on the document. 16 Q. Toll fines? 17 A. I see those on the document. 18 Q. And on page 3, cigarette taxes 19 also, correct? 20 A. Cigarette taxes is listed. 21 Q. Now, I'm going to ask you, if you 22 can, just to -- do you have a pencil handy? 23 A. I do have a pencil handy but no 24 paper. 25 Q. No? Well, maybe you can try just </p>	<p>1 that. 2 Let me know when you're done. 3 A. Okay. 4 Q. Okay. 5 MR. NATBONY: Now, let's bring up 6 1029, which we'll mark as Monoline Exhibit 9. 7 (Monoline Exhibit 9 is 8 introduced for the record.) 9 BY MR. NATBONY: 10 Q. Okay. Looking at that document, 11 at least by the cover, do you recognize it to 12 be the audited financials for HTA for fiscal 13 year 2014 to '15? 14 A. Just looking at the cover, yeah. 15 Q. And the numbers that we just 16 looked at in the prior document were for that 17 same period, correct? 18 A. Correct. 19 Q. Let's take a look at page 25, PDF 20 page 25 -- I should say the 25th page, which is 21 really page 23. 22 So looking at that listing of 23 revenues, is it fair to say that the revenue 24 amounts listed in the financial statements for, 25 for example, gasoline, diesel, and motor </p>
<p>107</p> <p>1 to jot down a couple of figures that are listed 2 on page 1 of the -- two exhibits on the screen, 3 which I think would save time. 4 But if you could mark just how 5 many amounts of revenue listed in the 278 Funds 6 for gasoline, diesel and motor vehicle license 7 fees on page 1, that would be helpful. 8 So the gasoline taxes are 9 approximately 157 million -- 10 A. Will you allow me a minute here to 11 grab a piece of paper? 12 Q. Sure. 13 A. Okay. I have paper. 14 Q. Okay. Did you jot down those 15 three numbers for gasoline taxes, diesel oil 16 taxes and motor vehicle licenses? 17 A. No. Which -- which pages, which 18 numbers? 19 Q. One -- in the Heading A, there are 20 three numbers. 21 A. Can you see that circle? Are 22 these the numbers that you want? 23 Q. It's the 157 million, 10 million. 24 A. I see that, sir. 25 Q. Correct. Thank you for doing </p>	<p>109</p> <p>1 vehicle license fees, generally matched 2 deposits in the Fund 278 accounts that Treasury 3 disclosed to Ernst & Young? 4 A. The numbers are generally close. 5 Q. So Fund 278, you know, is the Fund 6 that records HTA's revenues, right? 7 MS. McKEEN: Objection. 8 THE WITNESS: That is the Fund 9 number used to identify and record these 10 revenues. 11 BY MR. NATBONY: 12 Q. And therefore, those same numbers, 13 the Fund 278 numbers, were used to report HTA's 14 revenues to the public, right? 15 A. Could you repeat that? 16 Q. And those... 17 And, therefore, those same 18 numbers, the Fund 27 -- Fund 287 numbers were 19 used to report HTA's revenues to the public, 20 correct? 21 A. I believe you may have just 22 misspoken. You said 287 instead of 278. 23 Q. You're absolutely right. I think 24 I was reading 27 in the transcript. So I will 25 repeat the question. </p>

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1 So is it fair to say that those 2 same numbers, the Fund 278 numbers, were used 3 to report HTA's revenues in the audited 4 financial statement released to the public? 5 A. I don't know how EY generated 6 those numbers for this document and if they 7 used the Fund number or not. 8 Q. But they are generally the same, 9 correct? 10 A. They are generally similar. 11 Q. What is an SC 735 payment voucher? 12 A. Off the top of my head, I'm unsure 13 what you're referring to. 14 Q. Are there vouchers that serve as 15 requests for transfers of Funds from 16 Commonwealth accounts? 17 A. In some cases, yes. 18 Q. Are you familiar with the 19 designation SC 735 as a type of that voucher? 20 A. I'm not familiar with that 21 specific type of voucher. 22 Q. Has HTA had the ability to direct 23 transfers from Fund 278? 24 MS. McKEEN: Objection. 25 THE WITNESS: I'm not sure who	1 BY MR. NATBONY: 2 Q. While that's coming up, do you 3 know an individual by the name of Cesar M. 4 Gandiaga Texidor? 5 A. The name does not ring a bell, but 6 it's possible that I might know this person. 7 Q. Has HTA ever had the ability to 8 direct transfers of monies from the TSA based 9 on reported revenues in Fund 278? 10 A. No. 11 MS. McKEEN: Objection. 12 BY MR. NATBONY: 13 Q. Is it that you're sure it's no or 14 you just don't know one way or the other? 15 A. Could you repeat the question? 16 Q. Has HTA ever had the ability to 17 direct transfers of monies from the TSA based 18 on reported revenues in Fund 278? 19 MS. McKEEN: Same objection. 20 THE WITNESS: Yeah, I'm not aware 21 of the historical authority to effectuate 22 transfers. 23 BY MR. NATBONY: 24 Q. One way or the other, correct? 25 A. One way or the other.
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<p>114</p> <p>1 BY MR. NATBONY: 2 Q. Okay. And if you look at 3 Appendix 3, which is page 13 of the appendix, 4 SC 735 payment vouchers are listed as one of 5 the payment vouchers whose approval is 6 delegated to the agencies, correct? 7 MS. McKEEN: Objection. 8 THE WITNESS: That is what the 9 document says. 10 BY MR. NATBONY: 11 Q. Okay. So basically for SC 735 12 vouchers, HTA had an ability to approve such 13 vouchers, correct? 14 MS. McKEEN: Objection. 15 BY MR. NATBONY: 16 Q. You can answer. 17 A. The document -- 18 MS. McKEEN: Please look at the 19 document. 20 BY MR. NATBONY: 21 Q. I'm sorry? 22 A. The document says that documents 23 for which data entry and approval have been 24 delegated to the agencies. 25 Q. Right, and HTA is one of the</p>	<p>116</p> <p>1 I think the second page belongs 2 right before the first page, but if you 3 look -- just so you know, there are these 4 documents and also a certified translation in 5 the back, if you wanted to refer to it. 6 But looking at the first page, 7 which is really the second page, the one with 8 466 at the bottom, this is out of order. Just 9 give me one second. 10 Okay. Can you tell me what that 11 document is, the 466 document? 12 A. I'm trying to find the -- do you 13 know which page the certified English 14 translation is on? 15 Q. I can check for you. 16 I believe it would be -- I can't 17 tell you what PDF number it is. It's about 18 halfway through the document. 19 Are you not able to tell from the 20 Spanish version just basically what form this 21 is? 22 MR. NATBONY: Jaclyn, on the form, 23 it should be page 28. 24 THE WITNESS: Thank you.</p>
<p>115</p> <p>1 agencies, correct? 2 A. It's not clear to me from this 3 document. 4 Q. Well, HTA is one of the 5 Commonwealth's agencies, correct? 6 A. It depends. 7 Q. What do you mean by "it depends"?" 8 A. I don't refer to HTA as an agency 9 of the government. I refer to it as a 10 component unit or instrumentality. 11 Q. Sitting here today, do you have 12 any reason to think that Exhibit 10 does not 13 apply to HTA? 14 A. I don't have enough information to 15 say one way or the other based on this 16 document. 17 MR. NATBONY: Let's pull up 18 tab 25, and we'll mark that as Exhibit 11. 19 (Monoline Exhibit 11 is 20 introduced for the record.) 21 BY MR. NATBONY: 22 Q. One second. Okay. Looking at 23 this series of documents -- and I believe the 24 first two pages are out of order, which is why 25 I paused for a moment.</p>	<p>117</p> <p>1 BY MR. NATBONY: 2 Q. So 28 is the letter and -- and 3 who's moving the document here? Just a minute. 4 And 29 is the -- 28 is the letter, 5 and 27 is the accompanying form. But looking 6 at PDF page 27, which is marked HTA-STA0000467, 7 what is that document? 8 A. I have not seen this specific 9 document before. 10 Q. Okay. Well, looking at the top, 11 would you agree with me that it says SC 735, so 12 this is an SC 735 voucher? 13 A. I see the document says Model 14 SC 735. 15 Q. Okay. And looking at the two 16 pages that are related, second page is related 17 to the first. It contains the same voucher 18 number, right? 19 MS. McKEEN: Objection. 20 THE WITNESS: Where? 21 BY MR. NATBONY: 22 Q. The page you were just looking at 23 has a voucher number on it, doesn't it? Under 24 invoice number, it says 15, then it has a few 25 zeroes, 1500021? Do you see that?</p>

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<p>1 A. I do see that.</p> <p>2 Q. Now, the accompanying letter</p> <p>3 refers to the same voucher number, correct? Go</p> <p>4 one page back.</p> <p>5 Jaclyn is telling me it should be</p> <p>6 on page 28, sir.</p> <p>7 A. I see the same voucher number</p> <p>8 there.</p> <p>9 Q. So these documents, is it fair to</p> <p>10 say, show the transfer of \$6 million of</p> <p>11 gasoline tax proceeds from Treasury's</p> <p>12 operational account, that's 0006, to an HTA</p> <p>13 account at Oriental Bank?</p> <p>14 A. That is what this document says.</p> <p>15 Q. Okay. And the voucher itself that</p> <p>16 you were looking at shows that the money</p> <p>17 withdrawn from Treasury's operational account</p> <p>18 comes from Fund 278, doesn't it?</p> <p>19 A. The document does list Fund 278</p> <p>20 there.</p> <p>21 Q. Okay. And by the way, who was the</p> <p>22 individual that authorized this voucher</p> <p>23 authorizing the transfer from the Treasury's</p> <p>24 operational account?</p> <p>25 A. That's not clear to me from this</p>	<p>118</p> <p>1 (Monoline Exhibit 12 is</p> <p>2 introduced for the record.)</p> <p>3 BY MR. NATBONY:</p> <p>4 Q. And let's go to page 28 of that</p> <p>5 document. Just looking at that single page, do</p> <p>6 you see where it says Mr. Texidor is the</p> <p>7 director and (indiscernible) administration and</p> <p>8 finance with respect to HTA?</p> <p>9 A. It does not say HTA on this</p> <p>10 document.</p> <p>11 Q. The document itself is from the</p> <p>12 Highway Transportation Authority, isn't it?</p> <p>13 A. The header of the document is an</p> <p>14 HTA header.</p> <p>15 Q. Right. And the DV language, that</p> <p>16 means from, right?</p> <p>17 A. That does mean from.</p> <p>18 Q. So this is from Mr. Texidor, who</p> <p>19 identifies himself as the -- as the Executive</p> <p>20 Director of Administration and Finance of HTA,</p> <p>21 correct?</p> <p>22 A. Again, it does not specify that he</p> <p>23 is the executive director for HTA on that</p> <p>24 document.</p> <p>25 Q. Do you have any reason to dispute</p>	<p>119</p> <p>1 document.</p> <p>2 Q. Well, looking at the signature on</p> <p>3 the right that says:</p> <p>4 I certify --</p> <p>5 A. I see that.</p> <p>6 Q. -- that the above transfer was</p> <p>7 made following procedures established by law</p> <p>8 and existing regulations, and which I have not</p> <p>9 previously approved for which I authorized.</p> <p>10 Do you see that?</p> <p>11 A. Yes, I do see that.</p> <p>12 Q. And there's a signature underneath</p> <p>13 there, correct?</p> <p>14 A. An electronic signature, yes.</p> <p>15 Q. Okay. And do you know who that</p> <p>16 person is?</p> <p>17 A. I do not know who that individual</p> <p>18 is.</p> <p>19 Q. Okay. He was the executive -- the</p> <p>20 Deputy Executive Director of Administration and</p> <p>21 Finance at HTA, wasn't he?</p> <p>22 A. I'm not positive. I don't have a</p> <p>23 relationship with this individual.</p> <p>24 MR. NATBONY: Let's pull up tab</p> <p>25 23. We'll mark that as Exhibit 12.</p>	<p>120</p> <p>1 121</p> <p>1 that he is the executive director or was an</p> <p>2 executive director of HTA at the time?</p> <p>3 A. No.</p> <p>4 Q. Let's go back to tab 25, which was</p> <p>5 Exhibit 11.</p> <p>6 So looking again at the page with</p> <p>7 the markings 467 at the bottom, this is a</p> <p>8 transfer from the Commonwealth's operational</p> <p>9 account that was authorized by Mr. Texidor,</p> <p>10 correct?</p> <p>11 A. That is what this document says.</p> <p>12 Q. And if you scroll through the</p> <p>13 further documents in this set of documents, you</p> <p>14 would agree that there are other similar</p> <p>15 transfers from Commonwealth operation accounts</p> <p>16 relating to Fund 78 [sic] to HTA accounts</p> <p>17 authorized by Mr. Texidor, correct?</p> <p>18 A. From Fund 278, just to clarify.</p> <p>19 Q. Yes.</p> <p>20 Are you looking through the</p> <p>21 document? My question was -- I'll repeat it --</p> <p>22 do the remaining documents within this exhibit</p> <p>23 reflect similar transfer vouchers for excise</p> <p>24 tax revenues from TSA operating (indiscernible)</p> <p>25 to (indiscernible) authorized by Mr. Texidor,</p>
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1 correct? 2 MS. McKEEN: Object to the form. 3 THE WITNESS: So I think I was on 4 mute. Sorry. 5 There are other transfers within 6 this document of vouchers that appear similar 7 and also signed by Mr. Texidor, as was the 8 other document we looked at. 9 BY MR. NATBONY: 10 Q. Thank you. And these also reflect 11 that they are transfers relating to Fund 278 12 related to HTA, correct? 13 A. Yeah, from -- from the other ones 14 that I just looked at, yes. 15 MR. NATBONY: Okay. Let's pull up 16 tab 42 and mark that as Monoline Exhibit 13. 17 (Monoline Exhibit 13 is 18 introduced for the record.) 19 MR. NATBONY: I just lost Liz 20 McKeen video. 21 Liz, are you still on? 22 UNIDENTIFIED SPEAKER: I also have 23 lost her. 24 MR. NATBONY: Okay. By agreement, 25 I'm going to hold the questioning until I see	1 marked as Monoline Exhibit 13. Have you seen 2 this document before? 3 Did you answer? I'm sorry, I 4 couldn't hear. 5 A. Yes. 6 Q. Okay. This and the accompanying 7 flow of funds charts attached to it are 8 documents you drafted; is that correct? 9 MS. McKEEN: Object. 10 THE WITNESS: That is correct. 11 BY MR. NATBONY: 12 Q. And what did you use to draft 13 these documents? 14 A. In general, review of bank 15 statements and transfer details and vouchers 16 would inform this presentation. 17 Q. Okay. What was used to determine 18 that excise taxes were received into 19 collections accounts? 20 A. That would be a bank statement or 21 bank transaction statement. 22 Q. Anything else? 23 A. To determine what again? Would 24 you repeat it? 25 Q. To determine what taxes, excise
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<p>126</p> <p>1 A. What kinds of transfers are you 2 referring to?</p> <p>3 Q. Well, transfers that would be 4 reflected on your flow of funds chart.</p> <p>5 A. We would look at voucher details 6 or bank statements, transaction data when 7 possible.</p> <p>8 Q. And what documents would you use 9 to determine whether excise tax revenues were 10 transferred from Commonwealth bank accounts to 11 HTA bank accounts or other accounts outside of 12 the Commonwealth?</p> <p>13 A. It's hard to say because, again, 14 as a concept, those -- those revenues are not 15 separately identifiable as a balance within the 16 TSA account.</p> <p>17 Q. Well, your flow of funds charts do 18 indicate movement of monies from Commonwealth 19 to HTA bank accounts in certain circumstances, 20 right?</p> <p>21 A. Correct.</p> <p>22 Q. How did you determine that that 23 occurred?</p> <p>24 A. One instance would be looking at 25 voucher details like the ones we just reviewed</p>	<p>128</p> <p>1 Q. Any other documents or information 2 relating to Fund 278 that you used in drafting 3 these flow of funds charts?</p> <p>4 A. I can't recall off the top of my 5 head if there was another Fund, a 278 document 6 that informed --</p> <p>7 Q. Did you see that -- did the Flow 8 of Fund charts go through different drafts?</p> <p>9 A. The flow of funds charts did go 10 through different drafts.</p> <p>11 Q. And again, without revealing any 12 conversations with counsel, did you have any 13 discussions with anyone other than counsel 14 regarding the draft flow of funds charts?</p> <p>15 A. Yes, we discussed flow of funds 16 charts with -- the specific HTA flow of funds 17 chart would have been discussed with HTA 18 management as well as folks at Department of 19 Treasury.</p> <p>20 Q. Okay. And did you have any 21 conversations regarding the HTA flow of funds 22 chart with Treasury or HTA personnel outside of 23 the presence of counsel?</p> <p>24 A. Not in preparation for this 25 deposition.</p>
<p>127</p> <p>1 together.</p> <p>2 Q. Like SC 735 vouchers?</p> <p>3 A. I'm not certain of that 4 classification of the vouchers reviewed.</p> <p>5 Q. Well, were there other kinds of 6 vouchers other than SC 735 that you looked at?</p> <p>7 A. The kind of voucher would not have 8 been a consideration that I would have looked 9 at.</p> <p>10 Q. My question was whether you looked 11 at vouchers that were different than the SC 735 12 vouchers.</p> <p>13 A. I did not specifically note the 14 kind of voucher while putting together Fiscal 15 Funds.</p> <p>16 Q. Did you look at any information 17 relating to Fund 278 when you drafted these 18 Flow of Fund charts?</p> <p>19 A. Yes.</p> <p>20 Q. What information did you look at 21 regarding Fund 278?</p> <p>22 A. That would include reviewing the 23 bank transaction detail from a collections 24 account that would have been identified with 25 Fund 278.</p>	<p>129</p> <p>1 Q. What about in drafting the flow of 2 funds charts?</p> <p>3 A. No.</p> <p>4 Q. Okay. Not including any 5 conversations you had with counsel, was there 6 any disagreement with respect to what should be 7 involved in the flow of funds charts -- set 8 forth in the flow of funds charts?</p> <p>9 A. I don't know if I would use the 10 term "disagreement." It was normal work 11 relationships of iterating a document.</p> <p>12 Q. Was there any consideration about 13 making any entries relating to Fund 278 to any 14 of the flow of funds charts?</p> <p>15 A. Would you repeat that question?</p> <p>16 Q. Was there consideration of 17 mentioning or putting any information about 18 Fund 278 into any of the charts?</p> <p>19 A. No.</p> <p>20 Q. Now, looking at the various flow 21 of funds charts, you identified account numbers 22 only using the last four digits of account 23 numbers, correct?</p> <p>24 A. In the flow of funds documents, 25 that is correct.</p>

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<p>130</p> <p>1 Q. And just so we're clear, there 2 were no account numbers that you were aware of 3 that had duplicate last four digits, right? 4 A. I'm not aware of any accounts with 5 duplicate last four digits. 6 Q. All right. And so each of the 7 four-digit account numbers applies to only one 8 specific account, correct? 9 A. Yes. 10 Q. Okay. Looking at page 1 of 11 Exhibit -- well, Exhibit 13, there's a footnote 12 that says: 13 HTA allocable revenue excludes 14 gas, petroleum, diesel, cigarette, and motor 15 vehicle license ex-tax -- excise tax revenue 16 collected by the Commonwealth of Puerto Rico 17 pursuant to Act 30 and 31. 18 Do you see that? 19 A. I see the text. I think you may 20 have said "excludes" when the document reads 21 "consists." 22 Q. Okay. But you see the footnote? 23 A. I do see the footnote. 24 Q. Why was this exclusion made? 25 A. What exclusion, given that the</p>	<p>132</p> <p>1 January 2015 to mid-September of 2015, correct? 2 A. That's what this slide says. 3 Q. What do the blue boxes signify? 4 A. Those boxes are the HTA accounts 5 into which the flow of funds is presented here. 6 Q. So these were accounts in the name 7 of HTA? 8 A. HTA's name is on the bank 9 statements. 10 Q. Okay. How did you determine that 11 that was the case? 12 A. By reviewing the bank statement. 13 Q. And what do the white boxes 14 signify? 15 A. Those boxes indicate that those 16 would be TSA accounts or Commonwealth accounts. 17 Q. I didn't mean to interrupt you. 18 Go ahead. 19 A. Commonwealth accounts. 20 Q. So accounts in the name of the 21 Commonwealth? 22 A. I believe the Commonwealth's name 23 would be on those bank statements. 24 Q. And then you determined that by 25 looking at the bank statements as well?</p>
<p>131</p> <p>1 document says "consists"?</p> <p>2 Q. The footnote says: 3 Excludes gas, petroleum, diesel, 4 cigarette and motor vehicle tax revenue. 5 Do you see that? 6 A. That is not what I see on my 7 screen. 8 Q. The footnote on the first page of 9 the document, cover page? 10 A. Oh, you're referring to the second 11 sentence here. I see. 12 Q. Do you see the exclusion relating 13 to gas, petroleum, diesel, cigarette and... 14 A. Yes. Sorry. I was focused on the 15 first part of the -- 16 Q. But were these tax revenue -- yes, 17 you said? 18 A. Yes, I see the footnote. 19 Q. Why was that exclusion made? 20 A. Those were excluded from the 21 allocable revenues. I was directed by counsel 22 which revenues to focus on for this 23 presentation. 24 Q. Okay. Let's turn to the next page 25 of this exhibit, relating to the period</p>	<p>133</p> <p>1 A. Correct. 2 Q. Okay. Now, looking at BPPR 5191, 3 is that a Commonwealth collections account? 4 A. Yes, that is the Collecteria sweep 5 account. 6 Q. So that's the account that you 7 said you could run reports on to determine what 8 revenues are collected, right? 9 A. Correct. 10 Q. Now, throughout the entire period 11 reflected in these -- in this chart, from 12 January 2015 to mid-September 2015, is it true 13 that Fund 278 would have shown the amount of 14 excise taxes received and deposited into the 15 Commonwealth bank accounts? 16 MS. McKEEN: Object to the form. 17 THE WITNESS: Fund 278 would be 18 used to tag the cash receipts into Account 19 5191. 20 BY MR. NATBONY: 21 Q. And once funds are removed from 22 5191, is there an entry made into the Fund 278 23 records to indicate a change in some way of the 24 designation? 25 A. No.</p>

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<p>134</p> <p>1 Q. And when funds are transferred 2 from the 0006 account to HTA accounts, is there 3 some change in the Fund 278 designation? 4 MS. McKEEN: Object to the form. 5 THE WITNESS: Can we go -- can you 6 ask your previous question again, please? Not 7 the one you just asked, the one that I just 8 answered? 9 BY MR. NATBONY: 10 Q. "And when funds are removed from 11 Fund 5191, is there an entry made into the 12 Fund 278 records to indicate a change in some 13 way of the designation?" 14 And you responded: No. 15 A. So I -- I think that question is 16 confusing, and that -- I think that I would 17 prefer a different question to -- to answer. 18 Q. What's confusing about it? 19 A. You asked about the change in the 20 designation of Fund type, Fund number. 21 Q. Well, in other words, when the 22 transfer is made from BPPR 5191 to GDB 0006, is 23 there any entry or deduction made to Fund 278? 24 MS. McKEEN: Object to form. 25 THE WITNESS: No, the entry to</p>	<p>136</p> <p>1 BY MR. NATBONY: 2 Q. So throughout the entire period of 3 January of 2015 to mid-September of 2015, is it 4 fair to say that the Fund 278 designation 5 amount remains the same? 6 MS. McKEEN: Objection. 7 THE WITNESS: I'm not certain just 8 within the PRIFAS system in the time period the 9 Fund 278 remains the same, but it did -- it -- 10 revise that. I mean -- could you ask the 11 question again? I apologize. 12 BY MR. NATBONY: 13 Q. The question was: 14 So throughout the period of 15 January 2015 to mid-September of 2015, is it 16 fair to say that the Fund 278 designation 17 amount remains the same? 18 MS. McKEEN: Objection. 19 THE WITNESS: I don't understand 20 the question as the Fund designation amounts 21 remaining the same. That concept does not make 22 sense. 23 BY MR. NATBONY: 24 Q. So you can't answer my question. 25</p>
<p>135</p> <p>1 Fund 278 would be made on recognition of those 2 receipts -- or receipt of the cash into 5191. 3 BY MR. NATBONY: 4 Q. Right. But let's say there's a 5 recognition of a million dollars of funds 6 brought into 5191. 7 At any point along the process 8 reflected in your Flow of Fund chart from 9 January 2015 to mid-September 2015, would the 10 amount of funds designated as part of 278 11 change? 12 A. The amount that was designated as 13 Fund 278, when received into Account 5191, does 14 not change, but those funds that was 27 -- 15 Fund 278 are swept at the end of every day 16 together with other revenues in 5191 to account 17 006 in one batch transfer that does not 18 maintain the integrity of Fund number 19 information. 20 Q. So the Fund designation amount 21 doesn't change on that transfer, correct? 22 MS. McKEEN: Objection. 23 THE WITNESS: The Fund designation 24 has nothing to do with that transfer. 25</p>	<p>137</p> <p>1 MS. McKEEN: Objection. 2 BY MR. NATBONY: 3 Q. You cannot answer my question the 4 way it's phrased? 5 A. Not the way it's phrased. I'm 6 happy to answer a more specific question you 7 may have. 8 Q. So under this chart, the excise 9 taxes, after being received in BPPR 5191, are 10 then transferred to GDB 0006, correct? 11 A. Correct. 12 Q. Is 0006 the operational or 13 concentration account for the TSA? 14 A. During this time period, that 15 account is the TSA's main operating 16 disbursement account -- or main operating 17 account, rather. 18 Q. All right. During the period 19 reflected by this particular chart page, does 20 the revenue amount recorded in Fund 278 change 21 throughout the period? 22 MS. McKEEN: Objection. 23 THE WITNESS: There may be 24 revenues recorded daily. So throughout this 25 time period, the amount of revenue changes</p>

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1 daily. 2 BY MR. NATBONY: 3 Q. So it would change for additional 4 revenues received, correct? 5 A. Only in terms of the amount of 6 revenue recognized as received into 5191 during 7 that time period. 8 Q. Do you know what a Fund balance 9 is? 10 A. I am aware of the concept of a 11 Fund balance. 12 Q. What do you understand that to be? 13 A. It honestly depends. 14 Q. As to what? I'm sorry. 15 A. It depends. 16 Q. You don't have an understanding as 17 to what the term "Fund balance" means? 18 MS. McKEEN: Objection. It's not 19 what he said. 20 THE WITNESS: It depends what you 21 mean by "Fund balance." 22 BY MR. NATBONY: 23 Q. Well, if there are any revenues 24 that are expended, would that change the Fund 25 balance with respect to 278?	1 (Monoline Exhibit 14 is 2 introduced for the record.) 3 BY MR. NATBONY: 4 Q. Now, while that's coming up, 5 Mr. Ahlberg, you say -- you use the word "we" a 6 lot; that's not something we would do or we 7 would consider. 8 Who is the "we" when you say it? 9 A. I was referring to Department of 10 Treasury and my work in liquidity management 11 for cash reporting with Department of Treasury. 12 Q. Okay. So now looking at what's 13 been brought up as Exhibit 14, are you familiar 14 with this document? 15 A. I am familiar with this document. 16 Q. And what is it? 17 A. I believe that this was prepared 18 by HTA -- HTA. 19 Q. All right. And you're here today 20 representing HTA, right? 21 A. Yes. 22 Q. Okay. So what -- what is this 23 document? 24 A. The document says that it is the 25 278 Fund Accreditation.
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1 document that this actually represents a 2 withdrawal from a system. 3 Q. Well, from what system is this 4 document produced? 5 A. This document was produced 6 manually by the HTA team. 7 Q. If you look at the bottom 8 right-hand corner of page 2, it says: 9 Prepared by Hector Melendez, 10 Accountant, Treasury Office, correct? So it 11 was prepared by the Treasury office, wasn't it? 12 A. That's what it says. 13 Q. Okay. Now, why do you think this 14 is not reflective of Fund withdrawals? Well, 15 strike that. 16 What is your basis for your 17 statement that you're not sure that this 18 relates to Fund withdrawals? 19 A. It's not clear from this document 20 what the data source is here, nor am I certain 21 of the author of this document's intent by 22 using the phrase "Fund withdrawals" there. 23 Q. Did anyone tell you what it means? 24 A. No. 25 Q. Did you have any discussions with	1 Independently prepared. 2 Q. What's your basis for saying that? 3 A. Having discussed with Treasury, 4 this is the Fund withdrawals that was -- was 5 not something that was recognized as a -- the 6 data point pullable from the system. 7 Q. All right. So you did have 8 discussions with someone about this -- Fund 9 withdrawals, right? 10 A. I don't know if we discussed 11 specifically the Fund withdrawals that is 12 documented right here in this document, which 13 is what I said before. 14 Q. Sitting here today, do you know 15 from where the data came that reflected the 16 Fund withdrawals noted on page 2 of Exhibit 14? 17 A. Having reviewed hundreds of 18 documents in preparation for this deposition, 19 I'm unsure about the data source of this 20 specific line item at the moment. 21 Q. Okay. In looking at pages 1 to 2 22 and 4 to 8, there's a heading at the top of 23 each page, right? 24 A. If you give me a minute to flip 25 through here.
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<p>1 MS. McKEEN: So do we need to go 2 off the record? 3 MR. NATBONY: Yes, we are going 4 off the record. 5 THE VIDEOGRAPHER: We are going 6 off the record at 2:07 p.m. 7 (Recess taken.) 8 THE VIDEOGRAPHER: We are back on 9 the record at 2:53 p.m. 10 BY MR. NATBONY: 11 Q. Okay. So let me go to a couple 12 cleanup questions, and then we'll go back to 13 the document that was on the screen, which was 14 Exhibit 14. 15 MR. NATBONY: Jaclyn, if you'd 16 download that for us. 17 BY MR. NATBONY: 18 Q. Mr. Ahlberg, we spoke before about 19 Fund balance, and I guess you were asking for a 20 more specific definition of what I was looking 21 for, so let me try it this way: 22 With respect to a Government Fund, 23 do you understand the term "Fund balance" to 24 mean the difference between (indiscernible)? 25 A. There's a lot of background noise</p>	<p>1 A. Okay. Thank you. Okay. 2 Within the PRIFAS system, you 3 could run a report that would show, yeah, the 4 revenues associated with 278 over a discrete 5 time period of your choice. 6 Q. Other than the report you just 7 mentioned, is there any other report that would 8 be available to run relating to HTA excise 9 taxes under the PRIFAS system? 10 A. I'm not aware of any other reports 11 that can be run there. 12 Q. All right. Now, turning back to 13 Exhibit 14, which is now back on the system, 14 were you aware of any other similar reports 15 that the Commonwealth might have with respect 16 to Fund 278 other than this one? 17 MS. McKEEN: Objection. 18 THE WITNESS: Well, we -- we just 19 mentioned reports that are possible to -- to 20 look at the Collectoraria account with Fund 278. 21 BY MR. NATBONY: 22 Q. Other than that, anything else 23 that you would be aware of the Commonwealth 24 might be able to produce with respect to 25 Fund 278?</p>
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<p>1 this exhibit are possessive.</p> <p>2 Q. Henceforth, to 8 as well, correct?</p> <p>3 A. The possessive is used on pages 4</p> <p>4 through 8.</p> <p>5 Q. Now, pages 9 to 14 list the</p> <p>6 revenues by voucher number, correct?</p> <p>7 A. The document is showing a list of</p> <p>8 voucher numbers.</p> <p>9 Q. All right. And would these</p> <p>10 voucher numbers relate to revenues received or</p> <p>11 withdrawals from Fund 278?</p> <p>12 A. The header of this document says</p> <p>13 that -- it says gasoline, diesel, petroleum,</p> <p>14 tolls (indiscernible) account withdrawals.</p> <p>15 Q. So they would be with -- the</p> <p>16 vouchers reflect withdrawals, correct?</p> <p>17 A. That's what the document says.</p> <p>18 Q. And is it your understanding that</p> <p>19 these are withdrawals that would be done, for</p> <p>20 example, through Voucher SC 735, that we spoke</p> <p>21 about earlier?</p> <p>22 A. The type of voucher, again, is not</p> <p>23 something that I usually consider.</p> <p>24 Q. So you're just not familiar with</p> <p>25 them?</p>	<p>1 Q. Not clear to you that this</p> <p>2 document relates to Fund 278?</p> <p>3 MS. McKEEN: Objection.</p> <p>4 BY MR. NATBONY:</p> <p>5 Q. Is that your testimony?</p> <p>6 A. There are names of revenue</p> <p>7 concepts on this document that are associated</p> <p>8 with Fund 278.</p> <p>9 Q. And, in fact, the first page of</p> <p>10 the document is entitled Puerto Rico Highway</p> <p>11 and Transportation Authority's Fund 278; isn't</p> <p>12 that correct?</p> <p>13 A. That is the title of the first</p> <p>14 page of this document.</p> <p>15 Q. And this document is a 278 Fund</p> <p>16 Accreditation, right?</p> <p>17 A. That's what the header says.</p> <p>18 MS. McKEEN: Objection.</p> <p>19 BY MR. NATBONY:</p> <p>20 Q. Now, let's go back to what was</p> <p>21 Exhibit 13. Let's pull that document up on the</p> <p>22 screen. Let's go to the second page.</p> <p>23 So, again, this was the chart we</p> <p>24 were looking at before for the period</p> <p>25 January 2015 to mid-September 2015, and I think</p>
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<p>154</p> <p>1 A. They would know the amount that 2 was earned and collected into 5191 tagged with 3 Fund Number 278.</p> <p>4 Q. And they would also know, then, 5 what amount in 0006 had been transferred 6 (indiscernible) excise taxes, correct?</p> <p>7 A. Apologies. There was some dings 8 and noises there when you asked that question.</p> <p>9 Q. And they would also know, then, 10 the amount of excise taxes that was transferred 11 from 5191 to 0006 because it would be reflected 12 in Fund 278, correct?</p> <p>13 MS. McKEEN: Same objection.</p> <p>14 THE WITNESS: I don't think about 15 Funds being reflected within a Fund number. 16 BY MR. NATBONY:</p> <p>17 Q. Well, how would you know how much 18 to transfer from BPPR 5191 to GDB 0006 for 19 excise taxes?</p> <p>20 A. That determination doesn't even 21 need to be made because the entirety of that 22 account balance is transferred over to 0006 at 23 the end of every day.</p> <p>24 Q. And you would know what was in 25 that entire Fund balance because you have a</p>	<p>156</p> <p>1 that correct?</p> <p>2 A. I believe vouchers will have a 3 designation on them.</p> <p>4 Q. And therefore, you can use the 5 Fund number on vouchers to determine what the 6 source of the revenue was, correct?</p> <p>7 A. That is correct.</p> <p>8 Q. And that would be the same for the 9 transfer from GDB 4276 to Oriental 9874?</p> <p>10 A. Yes.</p> <p>11 Q. Now, during this period of time 12 reflected by page 2 of Exhibit 14, were there 13 any excise taxes that were being held in the 14 Commonwealth's General Fund as opposed to 15 Fund 278?</p> <p>16 MS. McKEEN: Objection.</p> <p>17 UNIDENTIFIED SPEAKER: Objection.</p> <p>18 THE WITNESS: I don't think about 19 funds -- holding funds. 20 BY MR. NATBONY:</p> <p>21 Q. Okay. Well, the General Fund has 22 a separate Fund number, correct? Strike that.</p> <p>23 A. There is --</p> <p>24 Q. The General Fund has a separate 25 Fund number than 278, correct?</p>
<p>155</p> <p>1 record of it, right?</p> <p>2 MS. McKEEN: Objection.</p> <p>3 THE WITNESS: You would know how 4 many -- how much revenue was earned under 5 Fund 278 in -- as it was received into 5191. 6 BY MR. NATBONY:</p> <p>7 Q. And you would know how much excise 8 tax revenue was therefore sent to GDB 0006, 9 right?</p> <p>10 A. You can know how much of the 11 revenues were earned and received into 5191 by 12 identifying the Fund number.</p> <p>13 Q. Now, the next transfer of cash on 14 this charge is from the operational account 15 0006 to GDB 4276, right?</p> <p>16 A. Correct.</p> <p>17 Q. How did you determine that there 18 was a transfer of excise taxes from GDB 0006 to 19 4276?</p> <p>20 A. We determined that the source of 21 funds of that transfer was Fund 278 revenues by 22 looking at the voucher.</p> <p>23 Q. So at the time of the transfer 24 from 0006 to 4276, there was a voucher that 25 reflected that it was related to Fund 278; is</p>	<p>157</p> <p>1 A. There are separate Fund numbers 2 that indicate General Funds.</p> <p>3 Q. And during the period of 4 January 2015 to mid-September of 2015, were any 5 of the HTA excise taxes designated under a Fund 6 number other than 278?</p> <p>7 A. There are no excise taxes that 8 would have been reported other than in Fund 278 9 and Collectoria Account 5191.</p> <p>10 Q. Okay. Would that be true for all 11 periods, by the way?</p> <p>12 A. Would what be true for all 13 periods?</p> <p>14 Q. The same, that it would -- that 15 HTA excise taxes would only be recorded in 16 Fund 278 rather than in other Funds.</p> <p>17 MS. McKEEN: Objection.</p> <p>18 THE WITNESS: During the -- I 19 mean, from January '15 to present, yes. 20 BY MR. NATBONY:</p> <p>21 Q. Thank you.</p> <p>22 Okay. Let's turn the page, go to 23 the next period, which is mid-September 2015 to 24 November 2015.</p> <p>25 And just so I'm clear with respect</p>

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<p>158</p> <p>1 to all of your flow of funds charts, the same 2 color scheme for the boxes apply, correct? 3 A. I can't see the document anymore, guys. 4 Q. Neither can I. 5 A. I think Liz may have popped out. 6 Oh, no, there's Liz. 7 (Simultaneous speaking.) 8 BY MR. NATBONY: 9 Q. And so let me ask the general 10 question first. 11 With respect to all of these flow 12 of funds chart documents, the color scheme that 13 we previously talked about, the same box color 14 scheme applies, right? 15 A. In terms of gray boxes, meaning 16 that the Commonwealth's name will be on the 17 bank statement, and the blue box meaning that 18 HTA's name will be on the bank statement. 19 Q. Correct. That's correct, yes? 20 A. Yes. 21 Q. Now, compared to the prior page, 22 GDB 4276 has now switched to GDB 3466. Do you 23 see that? 24 MS. McKEEN: Object to the form.</p>	<p>160</p> <p>1 2015 to November 2015? 2 A. From January '15 to 3 September 2015, funds would be transferred from 4 the TSA operational account 006 to HTA account 5 at GDB 4276 and then to the Oriental account at 6 HTA, which is our main disbursement account, 7 main operational disbursement account, as 8 compared to in September 2015 to November 2015 9 the funds no longer flow to the main 10 operational disbursement account as they 11 previously did before going to multiple zoning 12 accounts. 13 Q. Who made the decision to change 14 that flow of funds? 15 MS. McKEEN: I'm going to object 16 to that. 17 Go ahead. You can answer if you 18 know, but it's outside the scope. 19 THE WITNESS: I don't know who 20 made that decision. 21 BY MR. NATBONY: 22 Q. And to make my record, why was the 23 flow of funds changed from the period 24 January 2015 to mid-September 2015 to the next 25 period of mid-September 2015 to November 2015?</p>
<p>159</p> <p>1 THE WITNESS: I think it's a 2 mischaracterization to say that they switched. 3 BY MR. NATBONY: 4 Q. Okay. Well, there's no longer a 5 transfer into 4276. Now there's a transfer 6 into 3466, correct? 7 A. During this time period, that's 8 correct. 9 Q. Why did that flow change? 10 MS. McKEEN: Objection. My 11 objection is the same issue as before. This is 12 outside the scope of why -- why the flow of 13 funds changed. 14 MR. NATBONY: The decision on why 15 the flow of funds changed is not outside the 16 scope. We need to understand of flow of funds 17 and why they -- they were flowing that way. 18 MS. McKEEN: I think that's 19 outside the scope why the Commonwealth took 20 certain action. He can testify as to how it 21 was different during the time period but not 22 what the reasoning was. 23 BY MR. NATBONY: 24 Q. How was the flow different between 25 the first period and this period mid-September</p>	<p>161</p> <p>1 MS. McKEEN: And I'll make the 2 same objection, which is the Court's order 3 makes clear that the bases for decisions like 4 that are not the proper subject of inquiry in 5 this deposition. 6 MR. NATBONY: Are you directing 7 him not to answer? 8 MS. McKEEN: I am. 9 BY MR. NATBONY: 10 Q. Have you gone back and looked at 11 the -- the Fund opening statements for GDB 3466 12 in preparation for this deposition? 13 A. I've reviewed hundreds of 14 documents and various account opening and 15 closing statements. I can't recall 16 specifically if this account was one of those. 17 Q. Are you aware of Account 3466 18 being an account relating to antiterrorist 19 payments? 20 A. I'm not aware of this account 21 being affiliated with antiterrorist payments or 22 not. 23 Q. Do you have any understanding as 24 to why an account that was labeled with respect 25 to antiterrorist payments would be receiving</p>

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<p>162</p> <p>1 these funds?</p> <p>2 A. Where do you see that this account</p> <p>3 was affiliated in that way?</p> <p>4 MR. NATBONY: Let's pull up tab</p> <p>5 36, and we'll mark this as Exhibit 15.</p> <p>6 (Monoline Exhibit 15 is</p> <p>7 introduced for the record.)</p> <p>8 BY MR. NATBONY:</p> <p>9 Q. And just for the record, I'll let</p> <p>10 you know that these are account opening</p> <p>11 documents that were produced to us in the</p> <p>12 course of this discovery, and there is also an</p> <p>13 English translation certified directly</p> <p>14 following the actual documents.</p> <p>15 Jaclyn, tab 36 we are trying to</p> <p>16 download.</p> <p>17 I just heard from her that it says</p> <p>18 "processing exhibit." If for some reason you</p> <p>19 can't do it, let's try 33.</p> <p>20 Just received a note from Jaclyn</p> <p>21 that it's still processing.</p> <p>22 BY MR. NATBONY:</p> <p>23 Q. While that's processing, let me</p> <p>24 ask you this question:</p> <p>25 You previously testified with</p>	<p>164</p> <p>1 also review voucher information to understand</p> <p>2 those transfers.</p> <p>3 Q. And because the vouchers for the</p> <p>4 transfers would make a reference to Fund 278,</p> <p>5 that's how you would determine that there were</p> <p>6 transfers of excise revenues, correct?</p> <p>7 MS. McKEEN: Objection.</p> <p>8 THE WITNESS: Yeah. The presence</p> <p>9 or not -- no presence of Fund 278, usually</p> <p>10 there's other information on the voucher as</p> <p>11 well that you would use to know that they're</p> <p>12 excise taxes.</p> <p>13 BY MR. NATBONY:</p> <p>14 Q. But, generally, the vouchers would</p> <p>15 mention Fund 278, as you previously testified,</p> <p>16 correct?</p> <p>17 A. Vouchers may have Fund 278 listed</p> <p>18 on them.</p> <p>19 Q. And if they do list Fund 278, that</p> <p>20 would tell you that they were excise tax</p> <p>21 revenues, correct?</p> <p>22 MS. McKEEN: Objection.</p>
<p>163</p> <p>1 respect to the prior period that you were able</p> <p>2 to determine that excise taxes were transferred</p> <p>3 from account to account because you were able</p> <p>4 to look at vouchers that mentioned Fund 278.</p> <p>5 Would that be for this period as</p> <p>6 well?</p> <p>7 MS. McKEEN: You cut out there,</p> <p>8 Bill.</p> <p>9 THE WITNESS: Yeah.</p> <p>10 MS. McKEEN: Can you repeat your</p> <p>11 question? I don't think the witness heard you.</p> <p>12 I think the "yeah" on the record agreed with me</p> <p>13 that your voice just cut out, not an answer to</p> <p>14 your question.</p> <p>15 MR. NATBONY: That's correct.</p> <p>16 Thank you, Liz.</p> <p>17 Okay. I will ask it.</p> <p>18 BY MR. NATBONY:</p> <p>19 Q. You previously testified with</p> <p>20 respect to the prior period that you were able</p> <p>21 to determine that excise taxes were transferred</p> <p>22 from account to account because you were able</p> <p>23 to look at vouchers that listed Fund 278.</p> <p>24 Would that be the same for this period as well?</p> <p>25 A. It would be true that we would</p>	<p>165</p> <p>1 THE WITNESS: That would tell me</p> <p>2 that the source of funds was the revenue earned</p> <p>3 into the Collectorria Account 5191.</p> <p>4 BY MR. NATBONY:</p> <p>5 Q. Fund 278 specifically was related</p> <p>6 to excise tax revenues, correct?</p> <p>7 A. Correct.</p> <p>8 Q. If the voucher indicates that the</p> <p>9 source is Fund 278, that would be that the --</p> <p>10 strike that.</p> <p>11 If the voucher indicated Fund 278,</p> <p>12 then the source of the transferred revenues</p> <p>13 would be excise tax revenues from HTA, correct?</p> <p>14 A. The source would be the revenue</p> <p>15 recorded as earned in Account 5191 under</p> <p>16 Fund 278.</p> <p>17 Q. Which would be HTA's excise taxes,</p> <p>18 correct?</p> <p>19 A. That's a correct characterization</p> <p>20 of Fund 278 revenues.</p> <p>21 MR. NATBONY: Jaclyn, are we still</p> <p>22 having exhibit problems here for 33 of 36?</p> <p>23 She tells me yes. She's going to</p> <p>24 try to switch to 33 now.</p>

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<p style="text-align: center;">166</p> <p>1 BY MR. NATBONY: 2 Q. Okay. Looking now what's marked 3 (indiscernible) tab 33 as Exhibit 15, we're 4 going (indiscernible) tab 33 (indiscernible) 5 Exhibit 15. 6 If I direct your attention to this 7 document, Mr. Ahlberg, you'll see that it 8 refers to the 3466 account number on top. Do 9 you see that? 10 A. I do see that account number 11 listed here. 12 Q. And the account name is Peregos 13 Unidad (indiscernible) Terrorista. 14 Do you see that? 15 A. I do see that on the document. 16 Q. So I'll ask my question again. 17 Do you have an understanding as to 18 why this account was used to receive revenues 19 in the flow of funds for the period 20 mid-September 2015 through September 2015? 21 UNIDENTIFIED SPEAKER: Objection. 22 BY MR. NATBONY: 23 Q. You can answer. 24 MS. McKEEN: Yeah, I think this is 25 the same objection as before, Bill. You're</p>	<p style="text-align: center;">168</p> <p>1 MS. McKEEN: I want to make clear 2 that we are willing to go to Juge Dein on this 3 issue now. If you'd like to resolve this now, 4 we're happy to do that. 5 MR. NATBONY: I understand, and 6 I'll reserve my right to do so. 7 BY MR. NATBONY: 8 Q. Let's go to the next page of this 9 chart, which was tab 49, which is Exhibit 14. 10 I'm sorry, tab 42, Exhibit 13. 11 Let's pull up Exhibit 13. We'll go to the next 12 page. 13 The next page of your flow of 14 funds -- Fund -- flow of funds charts goes from 15 November 2015 to March 2016, correct? 16 A. Correct. 17 Q. And what is the difference between 18 the flow of funds here and the flow of funds 19 for the immediately prior period? 20 MS. McKEEN: Objection. 21 THE WITNESS: The main difference 22 in slide 4 from slide 3 is that funds no longer 23 pass through an HTA account. 24 BY MR. NATBONY: 25 Q. And do you know who directed the</p>
<p style="text-align: center;">167</p> <p>1 asking why a particular action was taken. I'm 2 not going to allow the witness to testify about 3 it. 4 MR. NATBONY: Are you directing 5 him not to answer? 6 MS. McKEEN: To the extent you're 7 asking him why certain actions were taken by 8 the Commonwealth as opposed to what those 9 actions were, then yes, I think the Court order 10 makes clear that that is not the proper subject 11 of deposition testimony there. I think the 12 order was very clear. 13 MR. NATBONY: My question stands 14 as it was. Are you directing him not to 15 answer? 16 MS. McKEEN: Yes, Bill. If you 17 would like, we can take it up with Judge Dein. 18 I'm happy to -- 19 MR. NATBONY: Did you have -- I 20 want to reserve my right to do that, but I want 21 to get through my question. 22 MS. McKEEN: If you could not cut 23 me off while I'm talking, that would be great. 24 I have a record to make too, Bill. 25 MR. NATBONY: Are you finished?</p>	<p style="text-align: center;">169</p> <p>1 change in this flow of funds? 2 A. I do not know who directed the 3 change in this flow of funds. 4 Q. And do you know why the flow of 5 funds changed for this period? 6 MS. McKEEN: Same objections, 7 Bill. 8 MR. NATBONY: Are you directing 9 him not to answer? 10 MS. McKEEN: I am. I'm happy for 11 him to answer questions that the Court has said 12 are within the scope -- 13 MR. NATBONY: You made your -- 14 sorry, go ahead. 15 MS. McKEEN: Bill, I'm not 16 finished talking. 17 MR. NATBONY: I said go ahead. 18 MS. McKEEN: To the extent you 19 keep asking the witness questions that are 20 expressly outside the scope that the Court has 21 ordered are outside the scope, it's a waste of 22 the witness's time, and we are going to take 23 that into account as we consider how much time 24 we're willing to let the witness continue to 25 answer questions, so please keep that in mind.</p>

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<p>170</p> <p>1 MR. NATBONY: Okay. Well, the 2 major argument -- especially, we may have to 3 (indiscernible).</p> <p>4 BY MR. NATBONY:</p> <p>5 Q. Let's take a look at the next 6 page, April 2016 to June 2016.</p> <p>7 Can you tell me what the main 8 features are between this flow and the flow 9 from the immediately prior (indiscernible)?</p> <p>10 THE REPORTER: Bill, could you ask 11 the question again? It was actually a little 12 garbled.</p> <p>13 BY MR. NATBONY:</p> <p>14 Q. Can you tell me what the 15 difference is between this flow and the flow 16 from the immediately prior period?</p> <p>17 A. The main difference is that the 18 flow of funds from the April 2016 to June 2016 19 period ends at BPPR Account 9857.</p> <p>20 Q. Without telling me why, do you 21 know why a change was made for the flow of 22 funds?</p> <p>23 MS. McKEEN: I'm sorry. Can you 24 repeat the question?</p> <p>25</p>	<p>172</p> <p>1 Are you thinking? I'm not sure I 2 heard an answer.</p> <p>3 A. I was thinking. Sorry. 4 I don't think there are 5 vouchers --</p> <p>6 MS. McKEEN: Objection.</p> <p>7 THE WITNESS: -- I think that 8 represent these transfers that would have a 9 Fund 278 noted on it.</p> <p>10 BY MR. NATBONY:</p> <p>11 Q. Why not?</p> <p>12 A. Hold on. That -- could we rewind? What was your specific question again?</p> <p>13 Q. I'll try and summarize. I asked 14 you what you looked at to determine that there 15 were in fact transfers of excise taxes between 16 these accounts for the period April 2016 to 17 June 2016, and I believe you testified you 18 looked at bank statements and vouchers, amongst 19 other things.</p> <p>20 I then asked you: 21 And would that include vouchers 22 that would reflect the entry related to 23 Fund 278?</p> <p>24 A. So, I can't recall the specific</p>
<p>171</p> <p>1 BY MR. NATBONY:</p> <p>2 Q. Without telling me why, do you 3 have knowledge as to why the flow of funds 4 changed for this period as compared to the 5 prior period?</p> <p>6 MS. McKEEN: I'll allow that. 7 Sounds like a yes-or-no question to me.</p> <p>8 MR. NATBONY: Just trying to see 9 if we have an issue.</p> <p>10 THE WITNESS: Yes.</p> <p>11 BY MR. NATBONY:</p> <p>12 Q. Okay. And for the prior periods 13 that we discussed, do you also have knowledge 14 as to why the flow of funds changed? And 15 again, don't tell me why.</p> <p>16 A. General knowledge, yes.</p> <p>17 Q. And, again, with respect to all of 18 these transfers from account to account, what 19 did you look at to determine that there were 20 actual transfers of HTA excise taxes?</p> <p>21 A. We would look at bank statements, 22 transfer details or vouchers.</p> <p>23 Q. And when you say "vouchers," you 24 would include vouchers that would reflect 25 Fund 278 designations, correct?</p>	<p>173</p> <p>1 vouchers reviewed for these transactions here.</p> <p>2 Q. Thank you.</p> <p>3 Do you have reason to believe that 4 there would not be vouchers with a notation of 5 Fund 278 during this period of time of 6 April 2016 to June 2016?</p> <p>7 A. I can't speculate one way or the 8 other.</p> <p>9 MR. NATBONY: Let's pull up tab 4 10 and mark it as Exhibit 16. (Monoline Exhibit 16 is 11 introduced for the record.)</p> <p>12 BY MR. NATBONY:</p> <p>13 Q. While that is coming up, let me 14 try and ask the following questions: 15 During the period of April 2016 to 16 June 2016, when transfers were being made 17 between BPPR accounts, when those transfers of 18 excise taxes were made, were there any 19 accounting changes done to Fund 278?</p> <p>20 MS. McKEEN: Objection.</p> <p>21 THE WITNESS: I'm not aware of any 22 accounting adjustments that were made to 23 Fund -- to Account Fund No. 278 during that 24 time.</p>

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<p>1 MR. NATBONY: Are we having a 2 problem again?</p> <p>3 THE WITNESS: We're waiting for an 4 exhibit?</p> <p>5 MR. NATBONY: Yeah, Exhibit 4, 6 tab 4, which will be Exhibit 6.</p> <p>7 I think we're going to have to try 8 and fix this problem because I have a couple 9 more exhibits.</p> <p>10 Let me try a few more questions 11 until it comes up.</p> <p>12 BY MR. NATBONY:</p> <p>13 Q. During the period of April 2016 to 14 June 2016, when there were transfers between 15 various BPPR Commonwealth accounts, is it 16 correct that the source of monies, at least in 17 part, for the transfers was from excise taxes 18 of HTA?</p> <p>19 A. Yes.</p> <p>20 Q. And you determined that based on 21 your review of vouchers and bank statements, 22 correct?</p> <p>23 A. Correct.</p> <p>24 MR. NATBONY: This is still not 25 working here. Do we need to go off the record</p>	<p>174</p> <p>1 MR. NATBONY: All right. 2 Let's take 5 and hopefully Jaclyn 3 can see what's going on with these exhibits. 4 Let's go off the record.</p> <p>5 THE REPORTER: I'm sorry, Tony. 6 Can you say that again? I didn't hear you 7 going off.</p> <p>8 THE VIDEOGRAPHER: We went off the 9 record at 3:44 p.m.</p> <p>10 (Recess taken.)</p> <p>11 THE VIDEOGRAPHER: We are back on 12 the record at 3:53 p.m.</p> <p>13 MR. NATBONY: Awesome.</p> <p>14 BY MR. NATBONY:</p> <p>15 Q. Thank you.</p> <p>16 Before we go to Exhibit 18, 17 Mr. Ahlberg, have you been involved at all in 18 creating the budgets?</p> <p>19 A. There's a lot of background noise. 20 Can we get everybody to go to mute again?</p> <p>21 Q. My question was: 22 Have you been involved at all in 23 assisting HTA and creating its annual budget?</p> <p>24 A. I have not.</p> <p>25 Q. Have you been involved at all in</p>
<p>175</p> <p>1 and try and get it fixed? I don't want to 2 waste time here, but I do have more exhibits.</p> <p>3 MS. McKEEN: Yeah, if you need to 4 go off the record, we can call and do that. 5 Obviously, if you need an exhibit, you need an 6 exhibit.</p> <p>7 MR. NATBONY: Okay. Let's take 8 5 minutes.</p> <p>9 Jaclyn, try and -- wait. I think 10 it's the system processing the image. Don't 11 know a way to speed it up.</p> <p>12 MS. McKEEN: All right.</p> <p>13 MR. NATBONY: Let's try to wait 14 for it for a minute. Not that light of a 15 document. Apparently the realtime is not 16 working either, I've just been told.</p> <p>17 THE REPORTER: Can you-all see it 18 on the screen? Because I can see it on my 19 connection to the deposition.</p> <p>20 MR. NATBONY: Mr. Berezin says he 21 cannot see realtime.</p> <p>22 THE REPORTER: Okay. Then if 23 you-all don't mind taking a break, I'm just 24 going to back out of everything and go back in, 25 but I can see it on my screen.</p>	<p>177</p> <p>1 creating HTA's financial statements?</p> <p>2 A. No.</p> <p>3 Q. Have you been involved in creating 4 the Commonwealth's financial statements?</p> <p>5 A. No.</p> <p>6 Q. Okay. Taking a look at again -- 7 at Monoline Exhibit 16, I'm just going to ask 8 you to refer to the 26th page. There's a chart 9 there I'd like you to take a look at. Can you 10 see the chart?</p> <p>11 A. I can see the chart.</p> <p>12 Q. Is this something that you 13 prepared?</p> <p>14 A. No.</p> <p>15 Q. Have you seen this chart before? 16 (Simultaneous speaking.)</p> <p>17 MS. McKEEN: Yeah. Bill, before 18 you go further, I just want to object on the 19 grounds that the restriction analysis is 20 outside the scope of the topics to which this 21 witness has been designated to testify on 22 behalf of the entities.</p> <p>23 Obviously, if you want to ask him 24 about whether he has personal knowledge, I'll 25 allow that, but this is outside the scope of</p>

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<p>178</p> <p>1 the topics for this witness.</p> <p>2 MR. NATBONY: My questions, Liz,</p> <p>3 are going to be related to the flow of funds in</p> <p>4 this chart and not the cash restriction</p> <p>5 analysis in this chart.</p> <p>6 BY MR. NATBONY:</p> <p>7 Q. So we talked about the TSA early</p> <p>8 on. And you would agree with the statement the</p> <p>9 TSA is actually a series of multiple tabs,</p> <p>10 correct?</p> <p>11 A. Correct.</p> <p>12 Q. The TSA includes various accounts</p> <p>13 that are called TSA sweep accounts, correct?</p> <p>14 A. There are sweep accounts that</p> <p>15 sweep into the TSA.</p> <p>16 Q. Okay. And at least according to</p> <p>17 this chart, they seem to be referred to as TSA</p> <p>18 sweep accounts.</p> <p>19 Do you see that on the left side?</p> <p>20 A. I do see that.</p> <p>21 Q. All right. And the BPPR Account</p> <p>22 5191, that is one of the TSA sweep accounts,</p> <p>23 right?</p> <p>24 A. That is the Collecteria account</p> <p>25 number.</p>	<p>180</p> <p>1 Q. It's the sweep account all the way</p> <p>2 to the right, Hacienda Incremento Petroleum.</p> <p>3 A. I see that box, yes.</p> <p>4 Q. Was that account used with respect</p> <p>5 to the flow of funds for the HTA excise taxes?</p> <p>6 MS. McKEEN: Object to form.</p> <p>7 THE WITNESS: We can flip back to</p> <p>8 the HTA flow of funds presentation and review</p> <p>9 it for this account number to be certain.</p> <p>10 BY MR. NATBONY:</p> <p>11 Q. Okay. Well, you'll remember,</p> <p>12 then, that it's Account 3488, right?</p> <p>13 A. 3488.</p> <p>14 Q. Let's go back to tab 42, which is</p> <p>15 Exhibit 13. So I'll ask my question again,</p> <p>16 which is:</p> <p>17 Was BPPR Account 3488 used with</p> <p>18 respect to the flow of funds for HTA excise</p> <p>19 tax?</p> <p>20 A. No. That was the time period of</p> <p>21 January 2015 to present.</p> <p>22 Q. All right. What was the purpose</p> <p>23 of BPPR Account 3488 then?</p> <p>24 MS. McKEEN: I'll object that it's</p> <p>25 outside the scope, but you can answer if you</p>
<p>179</p> <p>1 Q. All right. And that -- and that</p> <p>2 was one of the accounts that sweep monies --</p> <p>3 sweeps money into TSA's operational accounts,</p> <p>4 for example, Account 9458, correct?</p> <p>5 A. Correct.</p> <p>6 Q. What does the sweep account do?</p> <p>7 MS. McKEEN: Object to the form.</p> <p>8 THE WITNESS: The balance in the</p> <p>9 sweep account is transferred to the TSA</p> <p>10 operational account at the end of every</p> <p>11 business day.</p> <p>12 BY MR. NATBONY:</p> <p>13 Q. And would the sweep accounts</p> <p>14 therefore include funds that were designated as</p> <p>15 Fund 278 funds?</p> <p>16 A. The sweep account would -- would</p> <p>17 include funds that were received and recorded</p> <p>18 under the 278 identifier.</p> <p>19 Q. Now, there's also a sweep account</p> <p>20 noted that is BPPR 3488, and it says it's an</p> <p>21 account for Special Revenue Funds to account</p> <p>22 for excise tax on petroleum.</p> <p>23 Do you see that?</p> <p>24 A. I'm zooming in and trying to find</p> <p>25 it. One second.</p>	<p>181</p> <p>1 know.</p> <p>2 THE WITNESS: I'm not certain of</p> <p>3 the purpose of that exact account.</p> <p>4 BY MR. NATBONY:</p> <p>5 Q. Let's take a look at the last page</p> <p>6 of Exhibit 13. This is the flow of funds for</p> <p>7 the period July 2016 to present. For the</p> <p>8 BPPR 5191, that's a TSA sweep account, right?</p> <p>9 A. Correct.</p> <p>10 Q. And it's your testimony that on a</p> <p>11 daily basis funds are swept from 59 -- 5191</p> <p>12 into BPPR 9478, which is the Commonwealth's</p> <p>13 operational account; is that true?</p> <p>14 MS. McKEEN: Bill, just for the</p> <p>15 record, you're asking questions about the</p> <p>16 July 2016 file; is that right?</p> <p>17 MR. NATBONY: Yes.</p> <p>18 MS. McKEEN: Okay. Thank you.</p> <p>19 BY MR. NATBONY:</p> <p>20 Q. Is that correct, Mr. Ahlberg?</p> <p>21 A. Would you repeat the question? I</p> <p>22 thought we were on a different slide.</p> <p>23 Q. Sure. We are on the July 2016 to</p> <p>24 present slide. My question was -- first, I'll</p> <p>25 go back and do a different slide.</p>

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<p>182</p> <p>1 So the BPPR 5191 is a TSA sweep 2 account, right? 3 A. Correct, that is the Collecteria 4 account. 5 Q. And the -- and is it your 6 testimony that on a daily basis revenues are 7 swept from BPPR 5191 into BPPR 9458, which is 8 the TSA operational account? 9 A. Yes, understanding that the TSA 10 operational account is a different account 11 number during a different time period. 12 Q. Okay. How did you determine that, 13 in fact, HTA excise taxes were so transferred? 14 A. Understanding that the Fund 278 15 would be used to record an excise tax as they 16 were received into Account 5191, and thus 17 understanding that the entirety of the balance 18 of 5191 is transferred to 9458 at the end of 19 every day. Therefore, those amounts are 20 included, and we look at bank statements to 21 validate that -- the entirety of that transfer. 22 Q. But at the time of the transfer 23 from 5191 to 9458, the Commonwealth would have 24 records as to what was recorded into 5191 as 25 HTA excise taxes, correct?</p>	<p>184</p> <p>1 A. Is there -- I apologize. I was 2 thinking there. Would you mind repeating the 3 question one more time? 4 TELEPHONIC VOICE: Hello. There 5 doesn't appear to be any activity in this 6 meeting. If you would like to say on the line 7 until others join, please press 1. If not, 8 I'll end the meeting. 9 THE WITNESS: Did you guys hear 10 that? 11 THE REPORTER: Yes. I just heard 12 something about -- 13 THE VIDEOGRAPHER: This is the 14 videographer. Did you guys hear that 15 recording? 16 MR. NATBONY: Yes, I pushed 1. 17 THE WITNESS: Were we supposed to 18 press something on that message? 19 MS. McKEEN: I think it's okay. 20 THE WITNESS: Okay. 21 MS. WHITE: This is Karen from 22 Henderson. I pressed 1, and I will reach out 23 to Soundpath. 24 BY MR. NATBONY: 25 Q. Let me go back. So, again, my</p>
<p>183</p> <p>1 A. Correct. 2 Q. Now, the cash flow in -- for the 3 July 2016 to present period stops at BPPR 9458. 4 Does that mean that the funds remained in this 5 account? 6 A. There's no ability to tell of the 7 funds in BPPR 9458 which are remaining 278 8 revenues. 9 Q. Why is there no ability 10 (indiscernible)? 11 A. I don't think about Funds having 12 balances within accounts. 13 Q. Well, were there any transfers of 14 funds made out of BPPR 9458 after funds were 15 transferred from 5191? 16 A. There are transfers out of 9458 17 every day for Fund operating expenses of the 18 Commonwealth. 19 Q. Is there any way to determine 20 whether any of those transfers out were 21 transfers of Fund 278 designated monies? 22 A. Would you repeat the question? 23 Q. Is there any way to determine 24 whether any of the transfers out of BPPR 9458 25 included excise tax revenues?</p>	<p>185</p> <p>1 question is: 2 Is there any way to determine 3 whether the transfers out of 9458 included 4 excise tax monies? 5 A. No, because dollars are 6 indistinguishable from revenue source once 7 they're in the TSA operational account. 8 Q. Okay. Well, would you be able to 9 determine at the time of transfers out of 9458 10 whether there was any balance of excise tax 11 revenues in BPPR 9458? 12 A. Again, I don't think of cash 13 balances having Fund balances. 14 Q. Irrespective of how you think 15 about it, was there any way to determine as of, 16 past the date of transfers out of 9458, whether 17 there were Fund balances in Fund 278? 18 A. You can run a report that shows 19 revenue earned, and that would have been 20 recorded in Account 5191 for a discrete time 21 period of your choosing. 22 Q. In Account 9458, are there other 23 funds in 9458 other than excise taxes such as 24 federal funds or other restricted funds? 25 MS. McKEEN: Objection to form.</p>

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1 THE WITNESS: All kinds of funds 2 would be transferred into and out of Account 3 9458. 4 BY MR. NATBONY: 5 Q. Okay. And turning back a page for 6 the April 2016 to June 2016 period, I see again 7 that the (indiscernible) Fund stops with BPPR 8 9857. Does that mean that the funds are still 9 in 9857? 10 A. There are certain allocable 11 revenues that were transferred to and remain in 12 9857. 13 Q. Okay. Are you able to determine 14 whether any of them are HTA excise tax 15 revenues? 16 A. I would have to follow up on that. 17 Q. So you don't know whether you can 18 or not? 19 A. I would have to follow up to be 20 sure. 21 Q. What would you do to follow up? 22 A. I would review the information 23 and -- I would review the same kind of 24 information that we reviewed for alternate 25 (indiscernible) i.e., bank statements or any	1 transfers from Account 0006 to certain Treasury 2 accounts? 3 A. I agree that that's what the page 4 that we are currently looking at is. 5 Q. Okay. And if you would turn to 6 the third page, this document shows in December 7 of 2015 a transfer from Account 0006 to a 8 clawback of the Treasury, correct? 9 A. That's what the document says. 10 Q. And when that transfer occurred, 11 it was a transfer that was recognized as, 12 quote, withheld funds of the Highway's 13 authority, correct? 14 A. That's what the document says. 15 Q. And you don't have any reason to 16 dispute that when a document says that 17 transfers are being made of withheld funds of 18 the Highway Authority, that they are, in fact, 19 withheld funds of the Highway Authority, do 20 you? 21 UNIDENTIFIED SPEAKER: Objection. 22 MS. McKEEN: Form. 23 THE WITNESS: I'm not a lawyer 24 but -- of the Highway Authority. I'm not 25 certain there, not being an attorney.
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<p>1 account?</p> <p>2 A. No, that's a separate account.</p> <p>3 Q. What is that account for?</p> <p>4 A. I'm not sure what all the uses of</p> <p>5 that account are for.</p> <p>6 Q. Okay. But GDB 0006, that's a</p> <p>7 comingled account; is that correct?</p> <p>8 A. Correct.</p> <p>9 Q. And GDB 6048, that's a comingled</p> <p>10 account, right?</p> <p>11 A. Correct.</p> <p>12 Q. So how did you determine that</p> <p>13 excise tax revenue was transferred out of</p> <p>14 GDB 0006 to GDB 6048 between the series of</p> <p>15 (indiscernible) through March 2016?</p> <p>16 A. There would be a review of the</p> <p>17 specific transfer detail to inform the</p> <p>18 knowledge of that transfer.</p> <p>19 Q. You said you would have to review?</p> <p>20 A. By reviewing the transfer details.</p> <p>21 And you can -- tracking the transfers of</p> <p>22 equivalent amounts, you were able to -- or</p> <p>23 we -- I was able to identify.</p> <p>24 Q. How were you able to identify that</p> <p>25 GDB 0006 was a comingled account?</p>	<p>1 would be indistinguishable from other dollars</p> <p>2 in the TSA account.</p> <p>3 Q. How do you know they would be</p> <p>4 indistinguishable unless you looked at the</p> <p>5 transfer records to determine whether there was</p> <p>6 any information in them that would help you?</p> <p>7 A. What's -- what's the question</p> <p>8 there?</p> <p>9 Q. How would you know whether the</p> <p>10 funds would be indistinguishable unless you</p> <p>11 looked at the transfer records out of BPPR 9458</p> <p>12 to determine whether there was any information</p> <p>13 in those transfers that would help you</p> <p>14 determine whether there were excise tax</p> <p>15 revenues being transferred?</p> <p>16 A. Again, a cash -- cash balances,</p> <p>17 discrete cash balances in an account will not</p> <p>18 be identifiable by different subitems.</p> <p>19 Q. Okay. But going back to the</p> <p>20 November 2015 to March 2016 period, you were</p> <p>21 able to determine by looking at transfer</p> <p>22 records from GDB 0006 that excise tax revenues</p> <p>23 were transferred to 6048, correct?</p> <p>24 A. Correct.</p> <p>25 Q. And you were able to determine</p>
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<p>194</p> <p>1 Q. You reviewed the vouchers and 2 transfer documents out of BPPR 9458 for the 3 period July 2016 to the present to determine 4 whether there was any information that could 5 help you identify whether there were further 6 transfers of excise tax revenues?</p> <p>7 A. We did review that information.</p> <p>8 Q. But you said previously there were 9 thousands and thousands of transfers. You 10 looked at all of those.</p> <p>11 MS. McKEEN: Objection.</p> <p>12 THE WITNESS: Using software 13 and -- and data manipulation.</p> <p>14 BY MR. NATBONY:</p> <p>15 Q. What do you mean by "software and 16 data manipulation"?</p> <p>17 A. I personally utilized the business 18 intelligence platform called QlikView. It is a 19 data aggregator similar to Tableau or Microsoft 20 Power BI.</p> <p>21 Q. So you didn't look at the actual 22 documents, you looked at some summary of them 23 from a program; is that correct?</p> <p>24 A. The -- you know, the review was 25 not limited to just information or data from</p>	<p>196</p> <p>1 pending? So he just told you he's confused 2 about your line of inquiry. There's no pending 3 question.</p> <p>4 MR. NATBONY: There is a pending 5 question, and I'll --</p> <p>6 MS. McKEEN: Okay. Let's finish 7 the question, and then we'll take a break.</p> <p>8 MR. NATBONY: Let me go back.</p> <p>9 BY MR. NATBONY:</p> <p>10 Q. You testified: 11 I personally reviewed the build 12 intelligence platform called QlikView, which is 13 a data aggregator. 14 And then I said later on: 15 But I understand you did not look 16 at the actual transfer documents. You looked 17 at some summary of them in a program that you 18 described, correct? 19 And then you weren't sure for the 20 period, and I said: 21 For the July 2016 period. 22 So the question is: 23 For the July 2016 to present 24 period, did you actually look at 25 trans -- original transfer documents to</p>
<p>195</p> <p>1 a -- from a program.</p> <p>2 Q. What else did you look at?</p> <p>3 A. We would look at bank statements 4 and potentially transfer details.</p> <p>5 Q. Just so I understand, you did not 6 look at the actual transfer documents; you 7 looked at some summary of them in a program 8 that you described, correct?</p> <p>9 A. I'm not -- I'm not certain which 10 time period or which transactions you're 11 referring to at this point.</p> <p>12 Q. Well, then for the July 2016 to 13 the present period.</p> <p>14 MS. McKEEN: I'd like to take a 15 break and go off the record, Bill.</p> <p>16 MR. NATBONY: Well, no. I want 17 to -- I want to finish this line of inquiries. 18 There will be a few more questions.</p> <p>19 MS. McKEEN: I'd like to take a 20 break and go off the record.</p> <p>21 MR. NATBONY: Well, a question is 22 still pending. I asked whether July --</p> <p>23 MS. McKEEN: I'm sorry.</p> <p>24 (Simultaneous speaking.)</p> <p>25 MS. McKEEN: What's the question</p>	<p>197</p> <p>1 determine whether there were transfers out of 2 BPPR 9458 that included HTA taxes, excise tax 3 revenues?</p> <p>4 It's a yes-or-no question.</p> <p>5 UNIDENTIFIED SPEAKER: Same 6 objection.</p> <p>7 THE WITNESS: We reviewed 8 disbursement detail out of Account 9458.</p> <p>9 BY MR. NATBONY:</p> <p>10 Q. Still don't have an answer to my 11 question.</p> <p>12 Did you look at the actual 13 transfer documents, yes or no?</p> <p>14 A. The actual transfer documents for 15 what transfers?</p> <p>16 Q. For transfers out of 94 -- 9458 17 for the period July 2016 to present.</p> <p>18 A. It would have been unreasonable to 19 look at every single transfer document out of 20 that account given that billions of dollars 21 passed through that account.</p> <p>22 MR. NATBONY: If you want to take 23 your break, we'll take 5 minutes.</p> <p>24 THE VIDEOGRAPHER: We are off the 25 record at 4:30 p.m.</p>

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<p>1 (Recess taken.)</p> <p>2 THE VIDEOGRAPHER: We are back on</p> <p>3 the record at 4:45 p.m.</p> <p>4 BY MR. NATBONY:</p> <p>5 Q. Okay. Mr. Ahlberg, we talked a</p> <p>6 lot about the TSA operational account.</p> <p>7 Does the TSA operational account</p> <p>8 have within it what might be considered</p> <p>9 restricted funds such as federal funds or</p> <p>10 fiduciary funds?</p> <p>11 UNIDENTIFIED SPEAKER: I object to</p> <p>12 the form of the question.</p> <p>13 BY MR. NATBONY:</p> <p>14 Q. You can answer.</p> <p>15 A. Federal funds certainly pass</p> <p>16 through the TSA operational account. Not being</p> <p>17 an attorney, the level of restriction or not</p> <p>18 there, I am not certain of.</p> <p>19 Q. Okay. Are there other what I</p> <p>20 would call restricted funds, like fiduciary</p> <p>21 funds, that are held in the TSA operational</p> <p>22 account?</p> <p>23 UNIDENTIFIED SPEAKER: Objection.</p> <p>24 THE WITNESS: Not being an</p> <p>25 attorney, I'm not -- I don't know about</p>	<p>198</p> <p>1 THE WITNESS: There are revenues</p> <p>2 from other Fund types -- or Fund numbers,</p> <p>3 rather, that are recorded in 5191 that are</p> <p>4 swept to TSA operational account.</p> <p>5 BY MR. NATBONY:</p> <p>6 Q. And does the Commonwealth have any</p> <p>7 way to base the amounts of any of those funds</p> <p>8 within the operational account as to their</p> <p>9 transfer into 5191?</p> <p>10 A. My apologies. You kind of broke</p> <p>11 up there at the beginning of your question.</p> <p>12 Q. And does the Commonwealth have any</p> <p>13 way to determine the amounts of any of those</p> <p>14 funds within the operational account after they</p> <p>15 are transferred from 5191?</p> <p>16 A. No federal funds would be</p> <p>17 transferred from Account 5191 to the TSA</p> <p>18 operational account.</p> <p>19 Q. I wasn't asking about federal</p> <p>20 funds. I was asking about any Special -- any</p> <p>21 other Special Revenue Funds.</p> <p>22 A. Okay. And could you repeat the</p> <p>23 question understanding that it's not in the</p> <p>24 context of federal funds?</p> <p>25 Q. Does the Commonwealth have any way</p>
<p>199</p> <p>1 restriction versus not restriction.</p> <p>2 BY MR. NATBONY:</p> <p>3 Q. Okay. Well, with respect to</p> <p>4 federal funds, for instance, does the</p> <p>5 Commonwealth have an ability to trace what</p> <p>6 federal funds are within the operational</p> <p>7 account even though the account is comingled?</p> <p>8 A. The -- the Commonwealth -- would</p> <p>9 you mind repeating the question?</p> <p>10 Q. Yes.</p> <p>11 Does the Commonwealth have an</p> <p>12 ability to determine how much federal funds are</p> <p>13 in the operational account, even though it is</p> <p>14 comingled?</p> <p>15 A. I'm thinking. One second, please.</p> <p>16 Federal funds are received into</p> <p>17 the TSA via one specific -- one specific sweep</p> <p>18 account, and so federal funds are separately</p> <p>19 identified as federal funds and received into</p> <p>20 the TSA.</p> <p>21 Q. Are there any other Special</p> <p>22 Revenue Funds other than the Fund 278 that gets</p> <p>23 swept into the TSA operational account?</p> <p>24 MS. McKEEN: Object to the form of</p> <p>25 the question.</p>	<p>201</p> <p>1 to determine the amounts of any of those Funds</p> <p>2 within the operational account after they are</p> <p>3 transferred from 5191?</p> <p>4 A. Again, I don't think about Fund</p> <p>5 numbers having balances within the TSA.</p> <p>6 Q. Irrespective of what -- how you</p> <p>7 think of it, is there any mechanism that you're</p> <p>8 aware of that the Commonwealth has to determine</p> <p>9 the amount of Special Revenue Funds for any</p> <p>10 particular Fund after it had been transferred</p> <p>11 to the operational accounts from 5191?</p> <p>12 MS. McKEEN: Objection.</p> <p>13 BY MR. NATBONY:</p> <p>14 Q. And if you don't know, that's</p> <p>15 fine. I'm just asking whether you know.</p> <p>16 A. The answer is no.</p> <p>17 Q. How do you know?</p> <p>18 A. Would you repeat the question with</p> <p>19 the "how do you know" in front of it, just so I</p> <p>20 have the whole question?</p> <p>21 Q. I'll...</p> <p>22 Are there any -- are you familiar</p> <p>23 with the phrase "Act 30 and 31 revenues"?</p> <p>24 A. I'm unfamiliar with that term used</p> <p>25 around the Commonwealth.</p>

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<p>1 Q. Is it true that Act 30/31 revenues 2 of a -- of the excise taxes are still flowing 3 to HTA today?</p> <p>4 MS. McKEEN: Objection.</p> <p>5 THE WITNESS: I'll need to 6 review -- refresh exactly which revenues are 7 Acts 30/31 revenues.</p> <p>8 BY MR. NATBONY:</p> <p>9 Q. Cigarette taxes, for instance, are 10 those flowing directly still to HTA?</p> <p>11 MS. McKEEN: Objection.</p> <p>12 BY MR. NATBONY:</p> <p>13 Q. You can answer.</p> <p>14 A. Cigarette taxes are used to fund 15 an operational transfer to HTA, but it's not a 16 transfer directly of cigarette tax revenues.</p> <p>17 Q. So they still flow to HTA, 18 correct?</p> <p>19 A. I think that's a 20 mischaracterization of what I just said.</p> <p>21 Q. What do you mean by "an 22 operational transfer to HTA"?</p> <p>23 A. There's a monthly operational -- 24 or monthly transfer to HTA from the 25 Commonwealth to fund operations. And this --</p>	<p>1 A. The operational transfer is -- is 2 established and will be made in the approximate 3 same amount regardless of revenues for that 4 period.</p> <p>5 Q. How do you know that it's the 6 cigarette taxes and not other HTA excise taxes 7 that are being sent to HTA as part of the 8 operational transfer?</p> <p>9 MS. McKEEN: Object to the form.</p> <p>10 THE WITNESS: Would you please 11 kindly repeat the question?</p> <p>12 BY MR. NATBONY:</p> <p>13 Q. Well, the operation of the account 14 is comingled, so how do you know that it's the 15 cigarette tax revenues as opposed to other HTA 16 excise taxes that are being sent to HTA out of 17 this operational transfer?</p> <p>18 A. Because we use the Fund code to 19 identify the source of funds, not necessarily 20 to tag exact dollars in the TSA that are 21 transferred.</p> <p>22 Q. But if excise taxes have gone from 23 account to account to account and remain 24 comingled, I guess your testimony is that the 25 Fund designations still provide a mechanism for</p>
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<p>1 tax revenues out of BPPR 9458, the last account 2 on your flow of funds. 3 THE REPORTER: Hi. This is the 4 court reporter. 5 I just said this is the court 6 reporter. My call had dropped off. 7 MR. NATBONY: Okay. Are you back 8 then? 9 THE REPORTER: I am. 10 MS. McKEEN: We stopped for you. 11 THE REPORTER: Thank you. 12 BY MR. NATBONY: 13 Q. Okay. So to repeat the question, 14 it was going back to the July 2016 to present 15 period, which, if you recall, hinted the flow 16 of funds at BPPR 9458. 17 And we were discussing what 18 documents you had looked at to determine 19 whether there were further transfers of excise 20 tax revenues out of that Fund. Do you recall 21 that discussion? 22 A. Yes. 23 Q. Is it fair to say that after 24 looking at whatever records you looked at 25 concerning transfers out of BPPR 9458, you are</p>	<p>1 A. I'm uncertain if that 2 characterizes a TSA sweep account or not. 3 Q. Well, there's not only one account 4 that excise taxes get swept into, right? They 5 could be swept into a number of different TSA 6 accounts, right? 7 A. Even if funds are comingled at the 8 point of entry into the TSA operational 9 account, it would mean that funds are comingled 10 in the other TSA account. 11 Q. Right. And there could be sweeps 12 from the TSA operational account into other 13 accounts as well, right? 14 A. There could be transfers from one 15 TSA account to another TSA account. 16 MR. NATBONY: Can you pull up 17 tab 32? Let's mark that as Exhibit -- what are 18 we up to? 18, I think? Yeah. 19 (Monoline Exhibit 18 is 20 introduced for the record.) 21 BY MR. NATBONY: 22 Q. I'll now show you what's been 23 marked as Monoline Exhibit 18. Get out my 24 trusty binder. 25 Have you seen this document</p>
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1 A. I don't recall specifically asking 2 Treasury about this particular document. 3 Q. How would you describe this 4 document? 5 MS. McKEEN: Object to form. 6 THE WTNESS: The document says it 7 is a 278 Fund accreditation for fiscal year 8 '15-'16. 9 BY MR. NATBONY: 10 Q. All right. And what -- what do 11 you on behalf of HTA and the Commonwealth 12 understand this to be? 13 A. It's a report that includes 278 14 revenues. 15 Q. And Fund withdrawals? 16 MS. McKEEN: Objection. 17 BY MR. NATBONY: 18 Q. And Fund withdrawals, not side 19 withdrawals, right? 20 THE REPORTER: Thank you. 21 MR. NATBONY: I got you. 22 MS. McKEEN: Same objection. 23 THE WTNESS: That's not clear to 24 me -- oh, okay. I see that the document does 25 say "Fund withdrawals" on it.	1 revenues that were a designated part of Fund 2 278, correct? 3 A. That's what the document says. 4 Q. Okay. And it also reflects 5 withdrawals during that period, correct? 6 A. That's what the document says. 7 Q. And is it fair to say that from 8 the period of November 20 -- I'm sorry -- from 9 July 2015 through October 2019 -- give me a 10 second here. 11 Can you determine from this 12 document the total amount of revenues that have 13 been collected through September of 2019? 14 A. I could determine how much this 15 document says is 278 revenues from 16 July (indiscernible). 17 Q. And what -- 18 A. -- for 2019. 19 Q. I apologize. 20 THE REPORTER: I'm sorry, 21 Mr. Witness. You dropped off at the end. 22 BY MR. NATBONY: 23 Q. You said -- why don't you repeat 24 your answer: 25 "I could determine how much this
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55 (Pages 214 to 217)

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<p>1 \$2.7 million [sic] of excise tax revenue 2 collected relating to Fund 278. 3 BY MR. NATBONY: 4 Q. Is that correct? 5 UNIDENTIFIED SPEAKER: Objection. 6 MR. NATBONY: Billion, not 7 million, for the court reporter. 8 THE REPORTER: Thank you. 9 THE WITNESS: That's what this 10 document says. 11 BY MR. NATBONY: 12 Q. And of that 2.7 billion, none of 13 that revenue would have been held in the 14 Commonwealth's General Fund, correct? 15 A. I don't think about the General 16 Fund or any Fund in billions of dollars, as you 17 just expressed. 18 Q. So none of the \$2.7 billion was 19 designated to a separate Fund designation 20 relating to the General Fund, correct? 21 A. No. 22 Q. Not correct or it is correct? 23 A. That you phrased it, that is 24 correct. 25 Q. Okay. Thank you. Sorry for the</p>	<p>1 collected HTA tax -- excise tax revenues and 2 still does, correct? 3 A. Correct. 4 Q. How much in HTA excise taxes is 5 the -- is currently in the Commonwealth's 6 possession that was collected? 7 A. As mentioned before, that's not 8 determinable. 9 Q. And it's not determinable because 10 you've -- because the Commonwealth has swept 11 all the money into its operational account, 12 right? 13 A. It's not determinable because 14 funds are comingled in the TSA. 15 Q. Right. And it's the Commonwealth 16 that comingled the money into the TSA, correct? 17 A. The comingling first happened in a 18 TSA account. 19 Q. Right. So, but for the 20 comingling, the Commonwealth would be able to 21 determine precisely how much excise tax 22 revenues is in its possession, correct? 23 A. Correct. 24 MS. McKEEN: Objection. 25 THE WITNESS: Hypothetical</p>
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56 (Pages 218 to 221)

218	220
<p>1 MS. McKEEN: 2 Objection (indiscernible). 3 Hang on, Tim. I'm going to object 4 because it's outside the scope of the topics. 5 You can answer if you know. 6 BY MR. NATBONY: 7 Q. You may answer. 8 A. I expect the flow of funds to 9 continue as documented with the to-present 10 slide on the flow of funds presentation. 11 Q. That would be the last slide 12 relating to July 2016 to present? 13 A. Without having that document in 14 front of me, I believe those are the dates. 15 Q. Do collected revenues that are 16 received by the Commonwealth result in cash to 17 the Commonwealth? 18 A. Revenue collection is cash 19 collection. 20 MR. NATBONY: Just give me a 21 minute here, and I may be ready to transfer 22 questioning to my colleagues. 23 Mr. Ahlberg, I want to thank you 24 for your time, at least with me, today. I'm 25 going to transfer to my colleagues on the other</p>	<p>1 Liz, I know that you have a hard 2 stop at about -- or someone on your team has a 3 hard stop in about half an hour. 4 I'm happy to start now and go as 5 far as we can or to just pick up with that on 6 Thursday, whatever you think is best. 7 MS. McKEEN: I think however you'd 8 like to proceed is fine with us, but before I 9 do, I'd like to check in with the witness. 10 It's obviously been a long day, and so I'd like 11 it to be up to Tim. 12 Tim, would you like to go for the 13 next half hour, or would you prefer to call it 14 a day and resume on Thursday morning? It's 15 completely up to you. 16 THE WITNESS: If there's no 17 preference among the group, I would prefer to 18 go to Thursday morning. 19 MS. McKEEN: Okay. Great. Let's 20 do that, then, if you don't mind, Atara, okay? 21 MS. MILLER: Okay. That's fine 22 with us. 23 MS. McKEEN: Great. 24 Tim, thanks for your time. I 25 assume that Atara will get other links to)</p>
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<p>222</p> <p>1 (Deposition adjourned at 2 5:24 p.m. and continued to 3 April 23, 2020, at 9:30 a.m.) 4 5 6 7 8 ACKNOWLEDGMENT OF DEPONENT 9 10 I, _____, do hereby 11 acknowledge that I have read and examined the 12 foregoing testimony, and the same is a true, correct 13 and complete transcription of the testimony given by 14 me, and any corrections appear on the attached Errata 15 Sheet signed by me. 16 17 18 _____ (DATE) _____ (SIGNATURE) 19 20 21 22 23 24 25</p>	<p>224</p> <p>1 aforesaid. 2 I further certify that the signature to 3 the foregoing deposition was not waived by 4 counsel for the respective parties. 5 I further certify that I am not counsel 6 for nor in any way related to the parties to 7 this suit, nor am I in any way interested in 8 the outcome thereof. 9 IN TESTIMONY WHEREOF: I have hereunto 10 set my hand and affixed my notarial seal this 11 22nd day of April, 2020. 12 13 14 15 16 Cynthia J. Conforti, CSR, CRR 17 CSR License No. 084-003064 18 19 20 21 22 23 24 25</p>
<p>223</p> <p>1 STATE OF ILLINOIS) 2) SS: 3 COUNTY OF COOK) 4 5 I, Cynthia J. Conforti, a notary public 6 within and for the County of Cook and State of 7 Illinois, do hereby certify that heretofore, 8 to-wit, on the 21st day of April, 2020, 9 virtually appeared TIMOTHY H. AHLBERG, in a 10 cause now pending and undetermined in the 11 United States District Court for the District 12 of Puerto Rico, IN RE: THE FINANCIAL OVERSIGHT 13 AND MANAGEMENT BOARD FOR PUERTO RICO, AS 14 REPRESENTATIVE OF THE COMMONWEALTH OF PUERTO 15 RICO, et al., DEBTORS. 16 I further certify that the said witness 17 was first duly sworn to testify the truth, the 18 whole truth and nothing but the truth in the 19 cause aforesaid; that the testimony then given 20 by said witness was reported stenographically 21 by me in the presence of the said witness, and 22 afterwards reduced to typewriting by 23 Computer-Aided Transcription, and the foregoing 24 is a true and correct transcript of the 25 testimony so given by said witness as</p>	

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